



## **Planning Commission Staff Report - Hearing on April 4, 2024**

### **County of Ventura • Resource Management Agency**

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [www.vcrma.org/divisions/planning](http://www.vcrma.org/divisions/planning)

**SUBJECT: Public Hearing to Consider County-Initiated Amendments to Article 7 of the Ventura County Non-Coastal Zoning Ordinance to Amend Regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units Consistent with Government Code Sections 65852.2 and 65852.22; and to Consider a Finding that the Project is Exempt from the California Environmental Quality Act Pursuant to Public Resources Code Section 21080.17 (PL24-0014).**

#### **A. PROJECT INFORMATION**

**1. Applicant:**

County of Ventura, 800 S. Victoria Avenue, Ventura, California, 93009.

**2. Location:**

The proposed amendments to the Ventura County Non-Coastal Zoning Ordinance (NCZO) relating to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) would apply to non-coastal parcels in the unincorporated county, as specified in the proposed ordinance (Exhibit 5), zoned: Single-Family Residential (R1); Two-Family Residential (R2); Residential (RES); Residential Planned Development (RPD); Residential Mixed Use (R/MU); Residential High Density (RHD); Rural Agricultural (RA); Rural Exclusive (RE); Single-Family Estate (RO); Commercial Planned Development within a Community Business District overlay zone (CPD/CBD); Open Space (OS); Agricultural Exclusive (AE); and Timberland Preserve (TP). See Exhibit 2 for location maps showing applicable areas for ADUs and JADUs.

**3. Request:**

Planning Division staff requests that your Commission review this staff report and its attachments and adopt a resolution (Exhibit 3) recommending that the Board of Supervisors (Board) adopt the staff recommended actions stated in Section F of this report, which include approval of the proposed text amendments to the NCZO to amend regulations for ADUs and JADUs ("Proposed Ordinance") (Exhibit 5); and find that the adoption of the Proposed Ordinance is exempt from CEQA review pursuant to Public Resources Code section 21080.17.

**4. Review/Decision-Making Authority:**

Under the NCZO and state law, your Commission is required to review, conduct a public hearing on, consider and make recommendations to the Board regarding the Proposed Ordinance. The Board, at a subsequent public hearing, will consider your Commission's recommendations and decide whether to adopt, not adopt or adopt with modifications the Proposed Ordinance.

## 5. Background:

The Legislature has declared that California faces a severe housing crisis and is failing to meet housing demands, particularly for lower and middle-income earners (Gov. Code, § 65852.150, subdivisions (a)(5) and (a)(6)). Lack of housing has caused increased housing costs, particularly for renters. To increase housing development, several laws have been passed to increase the availability of ADUs and JADUs, which are *“an essential component of California's housing supply.”* (Gov. Code, § 65852.150(a)(8), emphasis added.) ADUs typically cost less to construct than other types of housing, largely because they do not require paying for land or certain major new infrastructure. Additionally, ADUs *“provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below-market prices within existing neighborhoods.”* (Gov. Code, §65852.150(a)(2), emphasis added.) The County's 2021-2029 Housing Element identifies ADUs as an integral housing type for meeting the County's Regional Housing Needs Allocation (RHNA) for lower-income housing units and assumes that about 44 percent (i.e., 560 units) of the overall RHNA for the 6th cycle will be addressed by the development of ADUs and JADUs in the unincorporated county.

An ordinance amending the regulations for ADUs and JADUs in the non-coastal areas of the County was adopted by the Board on February 7, 2023 (Ordinance No. 4615, or “2023 ADU Ordinance”, Exhibit 6). Thereafter, in accordance with Government Code section 65852.2(h), the 2023 ADU Ordinance was submitted to the Department of Housing and Community Development (HCD) on April 5, 2023 through HCD's online portal for its review and certification.

HCD responded with a comment letter dated September 5, 2023 (Exhibit 7), which requested ten revisions to the 2023 ADU Ordinance in accordance with HCD's current interpretation of Government Code sections 65852.2 and 65852.22 (the “ADU law”, Exhibit 8). As required statutorily, the Planning Division sent a response to HCD within 30 days of receiving the comment letter on September 28, 2023, requesting a meeting with HCD staff to clarify the comments. Planning Division staff met with HCD staff on October 11, 2023, to discuss HCD's findings; staff explained the structure of the 2023 ADU Ordinance and why certain revisions requested by HCD were not necessary or appropriate. During this meeting, HCD staff agreed with several of the Planning Division's recommendations. As a result, in December 2023, after reviewing the comments thoroughly, the Planning Division responded to HCD agreeing to revise the ADU ordinance to reflect four of HCDs comments (from the ten suggested revisions included in the HCD comment letter dated September 5, 2023). HCD staff concurred with this response by email in January 2024, and the four comments from HCD are addressed in the Proposed Ordinance.

This ADU ordinance review and certification process conducted by HCD with the County appears consistent with its review of many other jurisdictions in the state. Based on staff's review of HCD's ADU ordinance review letters, which HCD posts on its ADU webpage, it seems typical for HCD to not certify a jurisdiction's adopted ADU ordinance in its first review of the ordinance, and to provide the jurisdiction with a list of findings instead.

Please note that, notwithstanding the requested revisions from HCD, the County is surpassing its ADU/JADU production goals of 70 ADU/JADUs per year identified in the 2021-2029 Housing Element sites inventory (based on the 560 of the 1,262 units of the County's RHNA identified to be addressed by ADUs and JADUs)<sup>1</sup>. The County's 2023 State Mandated Annual Progress Report presented to the Board on March 26, 2024<sup>2</sup> indicated that a total of 170 ADUs and JADUs received building permits in calendar year 2023 alone. This brings the total number of ADUs produced so far for the 6<sup>th</sup> RHNA cycle to 278 units (from October 16, 2021 through December 31, 2023), which is equivalent to approximately 50 percent of the County's ADU target for the entire 2021-2029 planning period. This illustrates the County's support in producing ADUs and meeting the County's RHNA allocation for lower-income units.

In addition to HCD-recommended revisions, on October 11, 2023, the Governor signed three new bills into law (Assembly Bills 976, 1033, and 1332), some of which require additional amendments to the 2023 ADU Ordinance. Exhibit 8 includes the currently applicable ADU and JADU laws, effective January 1, 2024. Revisions from the effective legislation are also integrated into the Proposed Ordinance amendment.

## 6. Summary of Proposed Amendments to the NCZO:

The 2023 ADU Ordinance addresses the requirements of the ADU law in the following three sections:

- **Section 8017-1.7.4** governs ADUs and JADUs that must be ministerially approved with a building permit pursuant to Government Code section 65852.2(e) ("Building Permit ADUs and JADUs"). Building Permit ADUs and JADUs approved under this section are not subject to the development standards in Section 8107-1.7.5.
- **Section 8107-1.7.5** governs ADUs that do not qualify as Building Permit ADUs. Unlike Building Permit ADUs, these ADUs are approved ministerially with a Zoning Clearance and are subject to the development standards set forth in Section 8107-1.7.5.
- **Section 8107-1.7.6** addresses specific requirements for JADUs, consistent with the requirements of Government Code section 65852.22. JADUs that meet the applicable criteria are approved ministerially with a building permit.

As discussed in more detail below, the Proposed Ordinance includes various amendments to Section 8107-1.7 including revisions recommended by HCD during its review, revisions to address new state law provisions effective January 1, 2024, and certain revisions recommended by staff to clarify and facilitate consistent implementation of the new ADU regulations.

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<sup>1</sup> Background Report for the Ventura County 2040 General Plan, Chapter 5. Housing, Table 5-41: Housing Inventory Summary for Lower, Moderate and Above-Moderate Income Categories.

<sup>2</sup> 2023 State-Mandated Annual Progress Report, presented to the County of Ventura Board of Supervisors, March 26, 2024: <https://ventura.primegov.com/portal/item?id=266382>

**a) Revisions pursuant to HCD recommendations and revised state law provisions:**

**(i) HCD-recommended Revisions to Section 8107-1.7.4 – ADUs Allowed by Building Permit**

Currently, subsections (a) through (d) within Section 8107-1.7.4 implement the statutorily mandated approval of Building Permit ADUs and JADUs. Sections 8107-1.7.4(a) and (b) apply to lots in residential and mixed-use zones with a proposed or existing single-family dwelling, whereas Sections 8107-1.7.4(c) and (d) apply to lots with existing multifamily dwellings. The following revisions address HCD's comments to Section 8107-1.7.4.

***Number of Building Permit ADUs allowed on residential or mixed-use lots with a proposed or existing single-family dwelling:***

The County's ADU regulations currently limit the number of allowable Building Permit ADUs on a lot with a proposed or existing single-family dwelling to one ADU and one JADU. Pursuant to Section 8107.1.7.4, the ADU may either be created from converting existing or proposed space within the single-family dwelling, or created as a detached, new construction ADU provided it meets certain criteria.

In its September 5, 2023 comment letter, HCD explained that the use of the term "any" followed by an enumeration of by-right ADU types in Government Code section 65852.2(e)(1) means that an ADU created from converting space may be combined with a detached, new construction ADU on a residential or mixed-use lot that is zoned for single-family dwellings. (Exhibit 7, page 2.) According to HCD, this allows a property owner, whose lot meets specified requirements, to create: one ADU from within the existing or proposed space of a single-family dwelling or accessory structure; one detached, new construction ADU; and one JADU. HCD commented that limiting single-family lots to one ADU would prevent property owners from creating ADUs by right under subdivision (e)(1) and that the County must revise the 2023 ADU Ordinance to remove this restriction.

**Corresponding Revision in Proposed Ordinance:**

Planning Division staff concurs with HCD's interpretation of Government Code section 65852.2(e) and, therefore, recommends amending Section 8107-1.7.4 subsections (a) and (b) to allow up to two Building Permit ADUs (a combination of one ADU pursuant to subsection (a) and one ADU pursuant to subsection (b)) on eligible lots with an existing or proposed single-family dwelling.

Staff also proposes to revise Sections 8107-1.7.4 and 8107-1.7.5 to allow one Building Permit ADU pursuant to either subsection (a) or (b) of Section 8107-1.7.4 to be combined with one Zoning Clearance ADU pursuant to Section 8107-1.7.5 on an eligible residential or mixed-use lot. Although these revisions were not requested by HCD and are not mandated by state law, staff recommends these revisions to facilitate consistent implementation of the new rules in residential and mixed-use zones, giving property owners more options to



develop multiple ADUs. This revision is discussed in Section A.6, subsection (b) of the report below.

Therefore, the Proposed Ordinance amends Sections 8107-1.7.4(a) and 8107-1.7.4(b) to allow a property owner of a lot with a proposed or existing single-family dwelling in a residential or mixed-use zone to develop their lot with up to two ADUs on an eligible lot, in any of the following combinations (in addition to one JADU), provided they meet specified criteria:

- One ADU created pursuant to Section 8107-1.7.4(a) and one ADU created pursuant to Section 8107-1.7.4(b) (i.e., One Building Permit ADU created by converting existing space within the single-family dwelling or an accessory structure, and one detached new construction Building Permit ADU); or
- One Building Permit ADU created pursuant to Section 8107-1.7.4 (a) and one ADU created with a Zoning Clearance pursuant to Section 8107-1.7.5; or
- One Building Permit ADU pursuant to Section 8107-1.7.4 (b) and one ADU created with a Zoning Clearance pursuant to Section 8107-1.7.5.

In any of the combinations, no more than two ADUs would be permitted on any lot with a proposed or existing single-family dwelling in a residential or mixed-use zone (in addition to an eligible JADU). Only one ADU with a Zoning Clearance would continue to be allowed on lots within the AE, OS and TP zones pursuant to Section 8107-1.7.5 as they are not residential or mixed-use zones. Revisions to Section 8107-1.7.5 are explained further in Section A.6, subsection (b) below.

***Detachment requirement for ADUs on lots with multifamily structures:***

Section 8107-1.7.4(d)(5) currently states that detached ADUs on lots with an existing or proposed multifamily dwelling “*must be detached from the existing or proposed multifamily dwelling and from other accessory structures.*”

However, HCD indicated that Government Code section 65852.2(e)(1)(D) only requires that such units are “*detached from that multifamily dwelling...*” and does not require that the ADU be detached from other accessory structures. HCD commented that Section 8107-1.7.4(d)(5) is more stringent than the ADU Law, therefore, the County must remove the phrase “and from other accessory structures.”

**Corresponding Revision in Proposed Ordinance:**

Planning Division staff concurs with HCD’s comment and has revised Section 8107-1.7.4(d)(5) accordingly in the Proposed Ordinance.

**(ii) HCD-recommended Revisions to Section 8107-1.7.6 – JADU Requirements:**

The ADU legislation requires local agencies to approve JADU applications with a building permit in single-family residential zones provided the JADU meets the requirements of Government Code section 65852.22. Such JADUs can be combined with Building Permit ADUs pursuant to Sections 8107-1.7.4(a)(4) and (b)(4) of the 2023 ADU Ordinance as long as the JADU meets the requirements of both the Government Code section 65852.22 and Section 8107-1.7.6, which directly implements the state law requirements.

Staff proposes the following revisions to Section 8107-1.7.6 to address HCD's comments.

**Allowable zones for JADUs:**

Government Code section 65852.22(a)(1) provides for the creation of JADUs in areas “*zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.*” Section 8107-1.7.6(a)(1) of the NCZO lists zones where JADUs may be created. This list includes the RPD zone which does not permit the development of single-family dwellings with a ministerial permit. HCD requested that the County remove the RPD zone, or any other zone that does not allow single-family development from the list of zones where JADUs may be created.

During the October 11, 2023 meeting, Planning Division staff agreed that removing the RPD zone from the list of allowable zones for JADUs would be consistent with the ADU and JADU law. That said, staff explained that single-family dwellings are allowed in the RPD zone with a discretionary Planning Commission-approved Planned Development Permit, and removing the RPD zone from the list of allowable zones where JADUs may be developed would be more restrictive. HCD staff further clarified that their direction was consistent with HCD's guidance to other jurisdictions that JADUs may not be allowed in any zone that does not allow single-family dwelling development by right (i.e., with a ministerial permit). Therefore, HCD directed the County to remove the RPD zone from the list of allowable zones in Section 8107-1.7.6(a)(1).

**Corresponding Revision in Proposed Ordinance:**

The Proposed Ordinance amends Section 8107-1.7.6(a)(1) to remove the RPD zone from the list of zones where JADUs are allowed.

**JADUs on lots with multiple single-family homes:**

Section 8107-1.7.6(a)(4) currently states that “*Lots with multiple detached single-family dwellings are not eligible to have a JADU.*” According to HCD, Government Code section 65852.22(a)(1) limits “*the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.*” Therefore, if the lots are zoned for the development of single-family residences, one JADU may be permitted on a lot with multiple detached single-family dwellings. HCD

further noted that this is one JADU per lot, not per single-family home on such a lot; and requested that the County amend the ordinance to comply with the statute.

During the October 2023 meeting, Planning Division staff highlighted that HCD's comment conflicts with their guidance in the ADU Handbook<sup>3</sup> (last updated July 2022) at page 3, which provides: "*JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family dwellings are not eligible to have JADUs.*" In response, HCD staff provided additional information during the meeting that an updated ADU handbook is anticipated to be published in 2024 which will amend this guidance, and now allow for one JADU on a lot with multiple single-family dwellings.

Planning Division staff requested concurrence from HCD regarding this guidance in advance of this hearing as the updated handbook is not yet available. HCD's concurrence was received on March 6, 2024, and is included in Exhibit 9.

Corresponding Revision in Proposed Ordinance:

The Proposed Ordinance revises Section 8107-1.7.6(a)(2) to allow one JADU on a lot with multiple single-family dwellings.

**(iii) Revisions to incorporate new state law provisions:**

The following sections incorporate revisions consistent with new legislation effective January 1, 2024 (Assembly Bills 976 and 1033):

- Section 8107-1.7.2: Revised definition for "Nonconforming Zoning Condition"; and
- Section 8107-1.7.7(e)(4): Revised language to state that an ADU "shall" not be sold or otherwise conveyed separately from the primary residence.

**b) Proposed revisions by Planning staff for consistency and clarification:**

**(i) Revisions to Section 8107-1.7.5 – ADUs not meeting standards for Building Permit ADUs (i.e., Zoning Clearance ADUs):**

As discussed above in Section A.6, subsection (a)(i) above, HCD requested revisions that increase the number of Building Permit ADUs allowed on residential and mixed-use lots with a proposed or existing single-family dwelling to two ADUs. These revisions are reflected in Section 8107-1.7.4 of the Proposed Ordinance, consistent with Government Code section 65852.2(e).

During their October 11, 2023 meeting, staff explained to and clarified for HCD that, unlike Building Permit ADUs, ADUs requiring a Zoning Clearance pursuant to Section 8107-1.7.5 are subject to development standards consistent with

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<sup>3</sup> ADU Handbook, last updated July 2022. <https://www.hcd.ca.gov/sites/default/files/2022-07/ADUHandbookUpdate.pdf>

Government Code section 65852.2(a), and no revisions to Section 8107-1.7.5 are necessary to comply with state law.

That said, to retain consistency in implementation in the residential and mixed-use zones, Planning staff proposes revising Section 8107-1.7.5 to allow property owners to be able to build one ADU on each lot with a Zoning Clearance pursuant to Section 8107-1.7.5, and an additional ADU directly with a building permit pursuant to Section 8107-1.7.4, subsections (a) or (b), provided they meet the applicable criteria. Only one ADU with a Zoning Clearance would continue to be allowed on lots within the AE, OS and TP zones pursuant to Section 8107-1.7.5 as they are not residential or mixed-use zones.

Therefore, the Proposed Ordinance includes a revision to Section 8107-1.7.5(b) to reflect this intent.

(ii) **Other minor revisions:**

A minor revision was made to Section 8107-1.7.7(f)(2) to add a cross reference for owner occupancy requirements in the deed restrictions required for JADUs. This revision was added as a clarification to applicants.

Exhibits 4 and 5 include the complete text of the Proposed Ordinance in a legislative/strike-out version and clean format, respectively.

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE AND FINDINGS**

The Proposed Ordinance (Exhibit 5) is a “project” as defined by the California Environmental Quality Act (“CEQA”) (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, title 14, §15000 et seq.).

Planning Division staff has determined that the adoption of the Proposed Ordinance (Exhibit 5) is exempt from CEQA review pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance to implement the provisions of Government Code section 65852.2. The Proposed Ordinance implements recent amendments to Government Code section 65852.2 establishing new requirements relating to the ministerial approval of ADU and JADU applications. On that basis, adoption of the Proposed Ordinance is exempt from CEQA.

## **C. NCZO AMENDMENT FINDINGS AND SUPPORTING EVIDENCE**

Section 8115-0 et seq. of the NCZO authorizes the Board to change or amend the zoning ordinance “*whenever the public health, safety, or general welfare, good zoning practice, and consistency with the General Plan justify such action...*” provided that the Board makes certain findings.

The Proposed Ordinance amendment directly implements revisions consistent with the state ADU law, which were identified by HCD during its review of the previously adopted

2023 ADU Ordinance (Ord. No. 4615, Exhibit 6). The required findings pursuant to section 8115-0 of the NCZO remain the same as those that were evaluated and made by the Board for Ordinance No. 4615. An evaluation of the required findings is included in Exhibit 10, sub-exhibit 1 for your Commission's consideration in providing its recommendation to the Board.

Overall, the Proposed Ordinance facilitates the development of ADUs and JADUs in compliance with state ADU law. The proposed amendments to the NCZO would not be detrimental to the public health, safety or general welfare, represent good zoning practice, and do not conflict with existing General Plan or Area Plan goals or policies and are, therefore, deemed consistent with the Ventura County General Plan. Therefore, the Board's ability to make the required findings can be made.

#### **D. PUBLIC OUTREACH**

Since the adoption of the 2023 ADU Ordinance, County Planning staff updated the ADU-related webpage<sup>4</sup> to share information regarding ADUs and JADUs allowed with a building permit, and the process for obtaining a Zoning Clearance for all other ADUs. In addition, Planning staff notified interested parties who signed up through the online sign-up form for the 2023 ADU Ordinance of periodic updates to the ADU webpage and this Planning Commission hearing for the Proposed Ordinance.

#### **E. PLANNING COMMISSION HEARING NOTICE AND COMMENTS**

The Planning Division provided public notice regarding the Planning Commission hearing in accordance with Government Code section 65090. The Planning Division also sent an email to interested parties from the online sign-up form for the 2023 ADU Ordinance, and placed a legal ad providing notice of this public hearing in *Vida* (in Spanish) on March 21, 2024, and in the Ventura County Star (in English) on March 22, 2024. This Planning Commission staff report and associated exhibits were made available to the public on the Planning Division website on March 28, 2024. The Planning Commission hearing will include simultaneous interpretation in Spanish for the community.

#### **F. RECOMMENDED ACTIONS**

Based upon the analysis and information provided above, Planning Division staff recommends that the Planning Commission take the following actions:

1. **CERTIFY** that your Commission has reviewed and considered this staff report and all exhibits hereto, and has considered all comments received during the public comment and hearing process;
2. **ADOPT** a Resolution (Exhibit 3) recommending that the Board of Supervisors take the following actions regarding the Proposed Ordinance:

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<sup>4</sup> Planning Division webpage for information on ADU and JADU Permits: <https://vcrma.org/en/accessory-dwelling-unit-permits>

- a. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Planning Commission staff report and all exhibits thereto and has considered all comments received during the public comment and hearing process; and
- b. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission staff report, that the adoption of the Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance to amend regulations for accessory dwelling units and junior accessory dwelling units consistent with Government Code Sections 65852.2 and 65852.22 (Exhibit 5) is exempt from CEQA review pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Government Code section 65852.2; and
- c. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D of the Planning Commission staff report, that the Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance (Exhibit 5) is consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and is in the interest of public health, safety and general welfare; and
- d. **ADOPT** the Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance (Exhibit 5); and
- e. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

This staff report has been reviewed by County Counsel. The Board of Supervisors hearing to consider the Proposed Ordinance is tentatively scheduled for June 4, 2024, in the Board of Supervisor's hearing room.

If you have any questions concerning the information presented above, please contact Ruchita Kadakia at (805) 654-2414 or by email at [Ruchita.Kadakia@ventura.org](mailto:Ruchita.Kadakia@ventura.org).

**Prepared by:**



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**Reviewed by:**



Dave Ward, AICP  
Planning Director  
RMA/Planning Division

**EXHIBITS:**

- Exhibit 2: Location Map of Applicable Zones for Proposed Ordinance Pertaining to ADUs and JADUs in the Non-Coastal Zones
- Exhibit 3: Proposed Planning Commission Resolution to the Board of Supervisors
- Exhibit 4: Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance (legislative version)
- Exhibit 5: Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance (clean version)
- Exhibit 6: 2023 ADU Ordinance (Ord. No. 4615)
- Exhibit 7: Comment letter from HCD, received September 9, 2023, in response to the County's submittal of the adopted Ordinance No. 4615 for ADUs and JADUs
- Exhibit 8: ADU and JADU Laws (Government Code sections 65852.2 and 65852.22), last updated January 1, 2024
- Exhibit 9: Email communication received from HCD staff on March 6, 2024
- Exhibit 10: February 7, 2023, Board of Supervisors agenda packet for the 2023 ADU Ordinance, including all attachments



# EXHIBIT 2

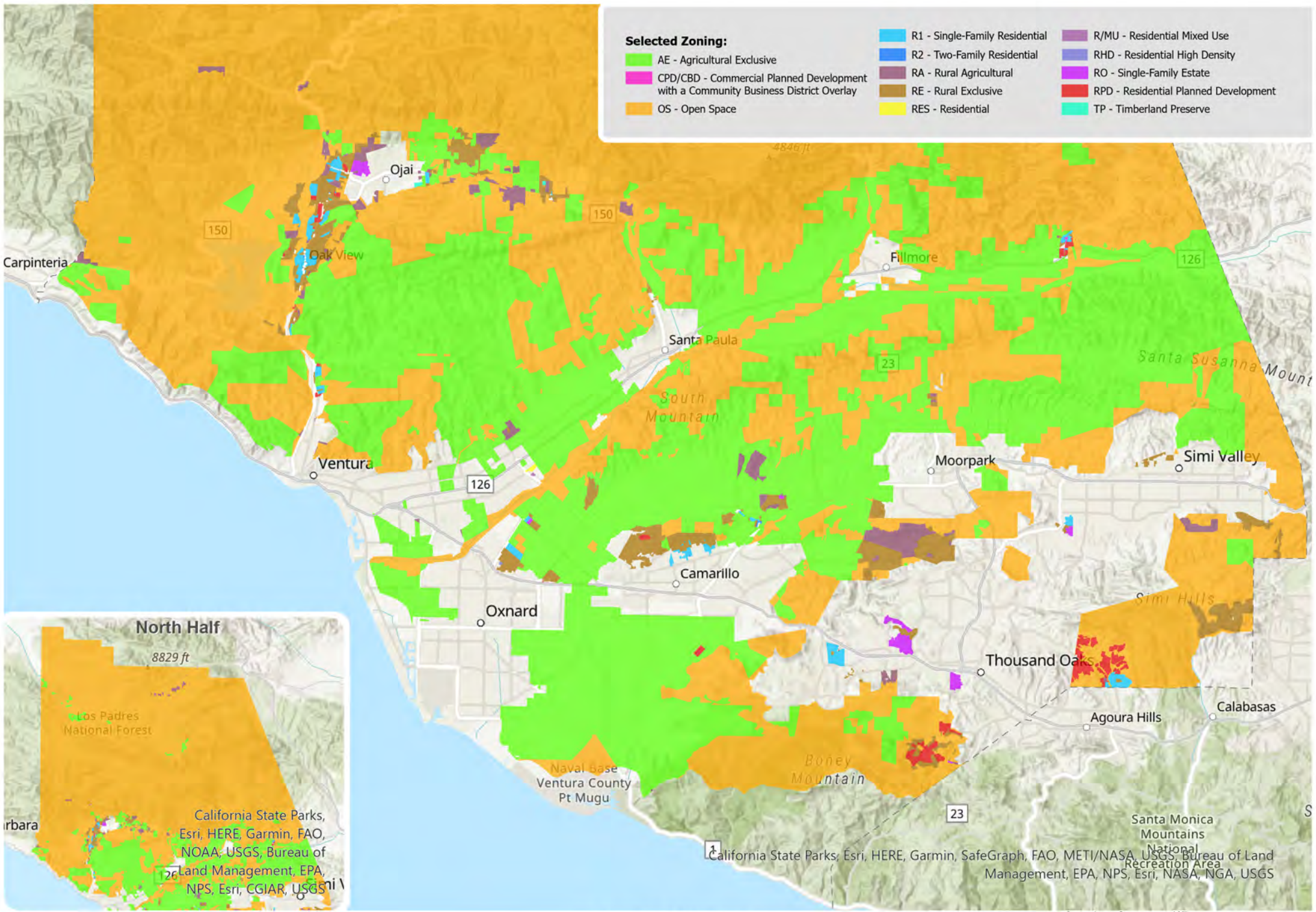
## Location Map of Applicable Zones for Proposed Ordinance Pertaining to ADUs and JADUs in the Non-Coastal Zone

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL24-0014)

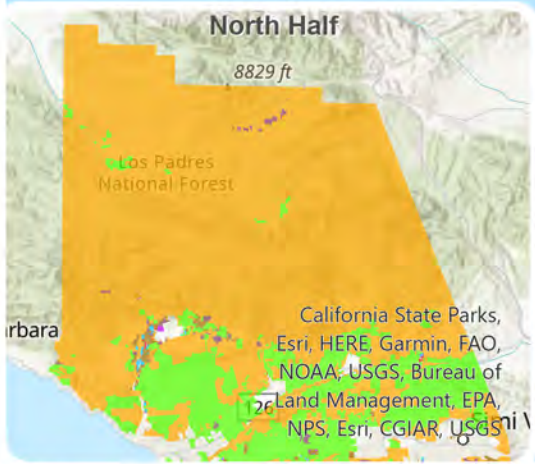
County of Ventura  
Planning Commission Hearing  
Case No. PL24-0014  
Exhibit 2 - Location Map of Applicable  
Zones for Proposed Ordinance  
Pertaining to ADUs and JADUs in the  
Non-Coastal Zone

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**Selected Zoning:**

- |   |   |  |
|---|---|--|
| <span style="color: green;">■</span> AE - Agricultural Exclusive  | <span style="color: blue;">■</span> R1 - Single-Family Residential  | <span style="color: purple;">■</span> R/MU - Residential Mixed Use       |
| <span style="color: pink;">■</span> CPD/CBD - Commercial Planned Development with a Community Business District Overlay | <span style="color: darkblue;">■</span> R2 - Two-Family Residential | <span style="color: lightblue;">■</span> RHD - Residential High Density  |
| <span style="color: orange;">■</span> OS - Open Space   | <span style="color: brown;">■</span> RA - Rural Agricultural        | <span style="color: magenta;">■</span> RO - Single-Family Estate         |
|   | <span style="color: darkbrown;">■</span> RE - Rural Exclusive       | <span style="color: red;">■</span> RPD - Residential Planned Development |
|   | <span style="color: yellow;">■</span> RES - Residential             | <span style="color: cyan;">■</span> TP - Timberland Preserve             |



# EXHIBIT 3

## Proposed Planning Commission Resolution to the Board of Supervisors

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL24-0014)

County of Ventura  
Planning Commission Hearing  
Case No. PL24-0014  
Exhibit 3 - Proposed Planning  
Commission Resolution to the Board of  
Supervisors





## Planning Commission Resolution (DRAFT)

County of Ventura • Resource Management Agency • Planning Division

800 South Victoria Avenue, Ventura, CA 93009 • 805-654-2488 • [www.vcrma.org/divisions/planning](http://www.vcrma.org/divisions/planning)

### **RESOLUTION 24-XX FOR PL24-0014 REGARDING PROPOSED COUNTY-INITIATED ORDINANCE AMENDING ARTICLE 7 OF THE VENTURA COUNTY NON-COASTAL ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS; AND THE RELATED FINDING THAT PROJECT IS EXEMPT FROM CEQA PURSUANT TO SECTION 21080.17 OF THE PUBLIC RESOURCES CODE**

**WHEREAS**, the Ventura County Planning Commission (Planning Commission) held a legally noticed public hearing on April 4, 2024, to consider a County-initiated ordinance amending Article 7 of the Ventura County Non-Coastal Zoning Ordinance to amend regulations for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) consistent with Government Code sections 65852.2 and 65852.22 (Proposed Ordinance); and to consider a finding that the project is exempt from the California Environmental Quality Act pursuant to section 21080.17 of the Public Resources Code;

**WHEREAS**, the California housing crisis continues to affect unincorporated communities across all individual and family income levels, and proposing zoning standards which promote the development of ADUs and JADUs helps address this local housing need. The County's Housing Element identifies ADUs as an integral housing type for meeting the County's RHNA allocation for lower-income housing units. Based on the last RHNA cycle (from 2013-2021) which identified ADUs as the second largest housing type to be developed (after single-family residences) due to the changing ADU laws, the housing inventory in the recently adopted 2021-2029 Housing Element assumes that approximately 44 percent of the overall RHNA for the 6<sup>th</sup> cycle will be addressed by the development of ADUs in the unincorporated county. Of this, almost half of all lower-income units expected to be developed in the next eight years include ADUs. Therefore, ADUs are anticipated to be utilized as the most affordable housing option in the unincorporated county.

**WHEREAS**, the Planning Commission considered all oral and written testimony from County staff and the public on this matter;

**WHEREAS**, after the close of the public hearing, Planning Commissioner XXXX, District X, made a motion to **approve** staff's recommended actions, seconded by Planning Commissioner XXXX, District Y;

**WHEREAS**, the motion **carried X-X**; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that the following actions be taken by the Ventura County Board of Supervisors with respect to the Proposed Ordinance:

1. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Planning Commission staff report and all exhibits thereto and has considered all comments received during the public comment and hearing process; and
2. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission staff report, that the adoption of the Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance to amend regulations for accessory dwelling units and junior accessory dwelling units consistent with Government Code Sections 65852.2 and 65852.22 (Exhibit 5) is exempt from CEQA review pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Government Code section 65852.2; and
3. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D of the Planning Commission staff report, that the Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance (Exhibit 5) is consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and is in the interest of public health, safety and general welfare; and
4. **ADOPT** the Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance (Exhibit 5); and
5. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission's reasons for the above-stated recommendations to the Board, and the relationship between the Proposed Ordinance and the General Plan, are specified in Sections A, B, and C of the Planning Commission staff report and exhibits thereto. As a general summary, the Planning Commission finds that the Proposed Ordinance helps ensure that the County is in compliance with applicable state laws, including Government Code sections 65852.2 and 65852.22. The Proposed Ordinance furthers the intent of the County's Housing Element for its 6th RHNA cycle (from 2021-2029) by providing a regulatory framework for the development of ADUs and JADUs, the development of which has been classified as an affordable housing option for the community in the unincorporated county and facilitates the development of ADUs and JADUs consistent with state law.

The Proposed Ordinance also represents good zoning practice as it includes zoning for ADUs and JADUs in areas zoned to allow single-family and/or multi-family dwelling residential uses, promotes the development of ADUs and JADUs while ensuring such housing meets applicable objective development standards consistent with state regulations and the underlying zoning districts. Furthermore, the Proposed Ordinance facilitates the development of ADUs and JADUs in compliance with the most recent ADU

laws, while ensuring that these amendments do not conflict with existing General Plan or Area Plan goals or policies and are, therefore, deemed consistent with the General Plan.

This is to certify that the foregoing is a true and correct copy of the Resolution reflecting the actions taken by the Ventura County Planning Commission at a public hearing regarding the above-described matter on April 4, 2024.

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Dave Ward, AICP, Secretary to the  
Ventura County Planning Commission



# EXHIBIT 4

## Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance (legislative version)

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL24-0014)

County of Ventura  
Planning Commission Hearing  
Case No. PL24-0014  
Exhibit 4 - Proposed Ordinance  
amending Article 7 of the Non-Coastal  
Zoning Ordinance (legislative version)

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF  
CALIFORNIA, AMENDING DIVISION 8, CHAPTER 1, ARTICLE 7 OF THE  
VENTURA COUNTY ORDINANCE CODE, NON-COASTAL ZONING  
ORDINANCE PERTAINING TO ACCESSORY DWELLING UNITS AND  
JUNIOR ACCESSORY DWELLING UNITS**

The Board of Supervisors of the County of Ventura ("County") ordains as follows:

**Section 1**

**ARTICLE 7:  
STANDARDS FOR SPECIFIC USES**

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**Article 7, Section 8107-1.7 – Accessory Dwelling Units**, of the Ventura County Ordinance Code, is hereby amended to read as follows:

**8107-1.7 – Accessory Dwelling Units and Junior Accessory Dwelling Units**

**Sec. 8107-1.7.1 – Purpose**

The purpose of this Section 8107-1.7 is to allow and regulate *accessory dwelling units (ADUs)* and *junior accessory dwelling units (JADUs)* in compliance with Government Code sections 65852.2 and 65852.22, as may be amended. Pursuant to Government Code section 65852.2, an *ADU* permitted through this Section 8107-1.7 does not exceed the allowable density for the *lot* upon which the *ADU* is located; and an *ADU* is a residential use that shall be deemed consistent with the existing general plan and zoning designation for the *lot*. If any provision of this Section 8107-1.7 or the underlying zoning district standards conflicts with state law, the latter shall govern.

**Sec. 8107-1.7.2 – Definitions**

As used in this Section 8107-1.7, the following definitions shall apply:

Accessory Structure - A structure that is accessory and incidental to a *dwelling* located on the same *lot* as defined in Government Code section 65852.2(j)(2), as may be amended.

Existing - Space, units, or structures that are legally permitted or legal non-conforming.

Nonconforming Zoning Condition - A physical improvement on a property that does not conform ~~with~~ to current zoning standards as defined in Government Code section 65852.2(j)(6), as may be amended.

Passageway - A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the *accessory dwelling unit* as defined in Government Code section 65852.2(j)(8), as may be amended.

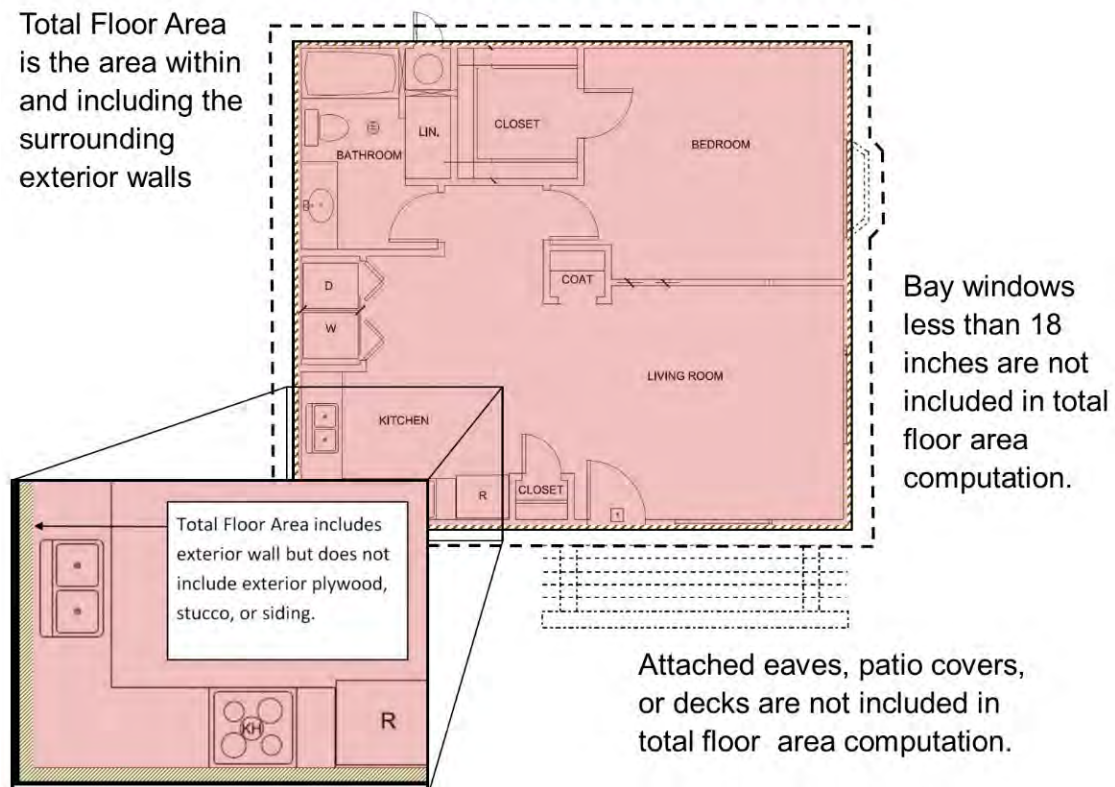
Proposed Dwelling - A *dwelling* that is the subject of a permit application and that meets the requirements for permitting as defined in Government Code section 65852.2(j)(10), as may be amended.

Public Transit - A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public as defined in Government Code section 65852.2(j)(11), as may be amended.

Tandem Parking - A parking configuration where two or more automobiles are parked on a driveway or in any other location on a *lot*, lined up behind one another as defined in Government Code section 65852.2(j)(12), as may be amended.

Total Floor Area - Shall have the same definition as “building area” as set forth in Title 24, Part 2, Chapter 2 of the California Building Code, as may be amended, which states: “The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.” However, the computation of total floor area for *ADUs* shall not include: a garage that is attached to, or below the *ADU* when there is no internal access from the garage to the *ADU*; or an unenclosed area or feature such as any eave or architectural feature, attached covered patio or deck, an open deck constructed at or below the level of the first floor, a balcony or the space below a cantilevered balcony, the space below an open and unenclosed stairway, a covered car port, a bay window that does not extend to the floor or protrude more than 18 inches from the adjoining exterior wall, or similar, as illustrated in Figure 1.

**Figure 1**



### **Sec. 8107-1.7.3 – Types of Accessory Dwelling Units**

An *ADU* may be created in the following forms:

- Detached: The *ADU* is separated from the primary residential structure.
- Attached: The *ADU* is attached to the primary residential structure. An attached *ADU* may include the conversion of existing partially enclosed spaces (such as a covered patio) to an *ADU* that is attached to the primary residential structure.
- Space within Primary Residential Structure: The *ADU* is created within the space (e.g., primary bedroom, attached garage, storage area, or similar use) of an existing or proposed primary residential structure.
- Space within an Existing Accessory Structure: The *ADU* is created within the space of an existing accessory structure that is located on the lot of the primary residence.

### **Sec. 8107-1.7.4 – ADUs and JADUs Allowed by Building Permit**

A complete application for a building permit shall be ministerially approved to allow ~~an~~ *ADU(s)* and/or *a JADU* that meets applicable Building Code and Fire Code requirements and the standards set forth in Sections 8107-1.7.4(a), (b), (c) or (d).

- a. **Within Space of *Single-Family Dwellings* and Accessory Structures:** One ~~ADU and one JADU per lot within the space of a single-family dwelling or accessory structure pursuant to this Section 8107-1.7.4(a)~~ is allowed per lot if all the following standards are met:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.
  - (2) Location of ADU and/or JADU:
    - (a) The *ADU* or *JADU* is created within a portion of the existing or proposed space of a *single-family dwelling* and has exterior access from the proposed or existing *single-family dwelling*; or
    - (b) The *ADU* is created within the existing space of an accessory structure, such as the conversion of garages and other accessory structures, either attached or detached from the primary dwelling. An existing accessory structure may include an expansion of not more than 150 square feet beyond its same physical dimensions, but such expansion shall be limited to accommodating ingress and egress to the *ADU*.
  - (3) The side and rear *setbacks* comply with applicable Building and Fire Code requirements, even if the existing side and rear setbacks are legal non-conforming.
  - (4) ~~The JADU complies with the requirements of Government Code section 65852.22 and Section 8107-1.7.6. The ADU pursuant to this Section 8107-1.7.4(a) may be combined with:~~
    - (a) One ADU that meets the standards of either Section 8107-1.7.4(b) or Section 8107-1.7.5; and
    - (b) One JADU complying with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.
- b. **New Detached ADU with an Existing or Proposed *Single-Family Dwelling*:** One detached new construction *ADU* pursuant to this Section 8107-1.7.4(b) is allowed on a *lot* with a proposed or existing *single-family dwelling* ~~and may be combined with a JADU~~ if all the following standards are met:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.
  - (2) The *ADU*'s side and rear yard *setbacks* are at least four feet.
  - (3) The *ADU* does not exceed 850 square feet.
  - (4) The *ADU*'s maximum building height above grade complies with the height limitations identified in Section 8107-1.7.5(d)(1).
  - (5) ~~The JADU complies with the requirements of Government Code section 65852.22 and Section 8107-1.7.6. The ADU pursuant to this Section 8107-1.7.4(b) may be combined with:~~

- (a) One ADU that meets the standards of either Section 8107-1.7.4(a) or Section 8107-1.7.5; and
  - (b) One JADU complying with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.
- c. **ADUs in Existing Multifamily Dwelling Structures:** ADUs within portions of existing *multifamily dwelling* structures are allowed pursuant to this Section 8107-1.7.4(c), and may be combined with detached ADUs pursuant to Section 8107-1.7.4(d), if all the following standards are met, even if the *multifamily dwelling* is legal nonconforming:
  - (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
  - (2) Location of ADU:
    - (a) The ADUs are created within portions of the existing *multifamily dwelling* structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. If there is no existing non-livable space within a *multifamily dwelling* structure, an ADU cannot be created pursuant to this Section 8107-1.7.4(c).
    - (b) The non-livable space used to create an ADU pursuant to this Section 8107-1.7.4(c) on a lot with mixed-uses shall be limited to the residential areas, and shall not include the areas used for commercial or other non-residential activities. Parking and storage areas for non-residential uses shall also be excluded from potential ADU development pursuant to this Section 8107-1.7.4(c).
  - (3) The maximum number of ADUs that may be created pursuant to this Section 8107-1.7.4(c) shall be at least one or the number of ADUs equal to up to 25 percent of the existing *multifamily dwelling* units, whichever is greater.
- d. **Detached ADUs with Existing or Proposed Multifamily Dwelling:** Up to two detached ADUs are allowed on *lots* with an existing or proposed *multifamily dwelling* pursuant to this Section 8107-1.7.4(d), and may be combined with ADUs created within *multifamily dwellings* pursuant to Section 8107-1.7.4(c), if all the following standards are met, even if the *multifamily dwelling* is legal nonconforming:
  - (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
  - (2) The ADUs maximum height above grade complies with the height limitations identified in Section 8107-1.7.5(d)(1).
  - (3) New construction ADUs shall not exceed 1,200 square feet.
  - (4) The ADU's side- and rear-yard *setbacks* are at least four feet.



- (5) Detached *ADUs* may be attached to each other, but must be detached from the existing or proposed *multifamily dwelling*, ~~and from other accessory structures on the lot.~~
- e. **No Zoning Clearance Required:** No Zoning Clearance or other land use entitlement is required pursuant to this Chapter for an *ADU* or *JADU* authorized under this Section 8107-1.7.4.
- f. **Not Subject to Development Standards in Section 8107-1.7.5:** *ADUs* that meet the requirements of Section 8107-1.7.4(a), (b), (c), or (d) and are entitled to a building permit are not subject to the development standards of Section 8107-1.7.5, including size, *setback*, parking and *lot* coverage requirements.

**Sec. 8107-1.7.5 – Development Standards for ADUs Not Authorized under Section 8107-1.7.4**

*ADUs* that do not meet the standards under Section 8107-1.7.4 for approval by building permit shall be approved with a ministerial Zoning Clearance if the *ADU* meets Building Code and Fire Code requirements, the standards in this Section 8107-1.7.5 and other applicable zoning standards.

a. **Property Requirements:**

- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, CPD/CBD, OS, AE, or TP.
- (2) The *lot* has a proposed or existing *single-family* or *multifamily dwelling*.

b. **Maximum Number of ADUs and JADUs per Lot:** ~~Each lot may have one ADU if the standards of this Section 8107-1.7.5 are met, and one JADU if the standards of Section 8107-1.7.6 are met.~~

(1) Each lot may have one ADU pursuant to this Section 8107-1.7.5, which may be combined with:

- (a) One ADU that meets the standards of either Section 8107-1.7.4(a) or Section 8107-1.7.4(b); and
- (b) One JADU that meets the standards of Section 8107-1.7.6.

(2) Lots zoned OS, AE, or TP are only allowed a maximum of one ADU pursuant to this Section 8107-1.7.5.

c. **Parking Standards:**

- (1) No Parking Requirements: No parking standards apply for an *ADU* in any of the following instances:
- (a) Where the *ADU* is located within one-half mile walking distance of public transit.
- (b) Where the *ADU* is located within an architecturally and historically significant historic district.
- (c) Where the *ADU* is part of the proposed or existing primary residence or an accessory structure.

- (d) When on-street parking permits are required but not offered to the occupant of the *ADU*.
  - (e) When there is a car share vehicle, as defined by section 22507.1(d) of the Vehicle Code, located within one block of the *ADU*.
  - (f) When a permit application for an *ADU* is submitted with a permit application to create a new *single-family dwelling* or a new *multifamily dwelling* on the same lot, provided that the *ADU* or the parcel satisfies any of the criteria listed above in this Section 8107-1.7.5(c)(1).
- (2) Required Off-street Parking: Except as provided in Section 8107-1.7.5(c)(1), the following off-street parking standards shall apply:
- (a) Number of Spaces. One covered or uncovered off-street parking space is required per *ADU* or per bedroom, whichever is less.
  - (b) Location of Spaces. Off-street parking may be provided as tandem parking on a driveway. Additionally, the parking space for an *ADU* may encroach into a required front and/or interior side *setback*, provided that:
    - i. The long dimension of the space is parallel to the centerline of the nearest driveway on the *lot*; and
    - ii. On *interior lots*, a minimum distance of three feet from the side *lot line* remains unobstructed by vehicles.
- (3) No Off-Street Replacement Parking Required for Primary Residential Structure: When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an *ADU* or converted to an *ADU*, those off-street parking spaces do not need to be replaced for the primary dwelling. Additionally, no parking is required for a newly created *ADU* pursuant to Section 8107-1.7.5(c)(1)(c) above.

**d. Height:**

- (1) The maximum allowed height for detached *ADUs* is as follows:
- (a) Maximum of 16 feet above grade on a lot with an existing or proposed *single-family* or *multifamily dwelling*; or
  - (b) Maximum of 18 feet above grade on a *lot* with an existing or proposed *multifamily dwelling* with multiple stories; or
  - (c) Maximum of 18 feet above grade if the *lot* has an existing or proposed *single-family* or *multifamily dwelling*, and is within one half-mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the Public Resources Code. An additional two feet in overall height is allowed to accommodate a roof pitch that is aligned with the roof pitch of the primary *dwelling unit*.
  - (d) Detached *ADUs* may exceed the allowable height limits set forth in subsections (a) through (c) above if the *ADU* is set back at least 20 feet from all property lines, but the *ADU* shall not exceed the maximum allowed

building height of the primary *dwelling* unit on the *lot*, pursuant to Article 6 of this Chapter.

(e) Detached *ADUs* are limited to no more than two stories.

(2) The maximum allowed height for an attached *ADU* is 25 feet above grade or the maximum allowed building height of the primary dwelling pursuant to Article 6 of this Chapter, whichever is lower.

**e. Setbacks:**

(1) No additional *setbacks* are required if any of the following are converted to an *ADU* or portion of an *ADU*: (a) an existing living area; (b) an existing accessory structure; or (c) a new structure constructed in the same building footprint and to the same dimensions as an existing structure. The provisions of Article 13 of this Chapter shall not apply in these situations. For purposes of this section, living area, as defined by Government Code section 65852.2(j)(4), means the interior habitable area of a *dwelling* unit, including basements and attics, but does not include a garage or any accessory structure.

(2) All other new attached and detached *ADUs* shall have four-foot *setbacks* from the rear and side *lot lines*.

f. **Minimum Lot Size:** There is no minimum *lot* size requirement for an *ADU* or *JADU*.

**g. ADU Size for Attached and Detached ADUs:**

(1) For *lots* that are 9,000 square feet or less, the maximum total floor area of an attached or detached *ADU* shall be 850 square feet if there is one bedroom or an efficiency unit; or 1,000 square feet if there is more than one bedroom; or

(2) For *lots* that are larger than 9,000 square feet, but less than 10 acres, the maximum total floor area of an attached or detached *ADU* shall be 1,200 square feet; or

(3) For *lots* that are 10 acres in size or larger, the maximum total floor area of an attached or detached *ADU* shall be 1,800 square feet.

(4) Covered patios, decks, and garages below the *ADU* are not included in the total floor area computation but are counted toward the maximum allowable square footage allowed for “accessory structures to dwellings” in Sec. 8105-4.

**h. ADUs Within Space of Single-Family Dwellings in the OS, AE or TP Zones:**

One *ADU* per *lot* is allowed within a proposed or existing *single-family dwelling* in the OS, AE or TP zones if the applicable standards of this Section 8107-1.7.5 and the following standards are met:

(1) The *ADU* is created within a portion of the existing or proposed space of a *single-family dwelling* and has independent exterior access;

(2) The *ADU* does not have internal access to the primary dwelling;

- (3) The *ADU* does not exceed the size maximums for attached or detached ADUs set forth in Section 8107-1.7.5(g), as applicable; and
- (4) The side and rear *setbacks* comply with applicable Building and Fire Code requirements.
- i. **Accessory Structures:**
  - (1) No accessory structure shall be attached to a detached *ADU* unless the combined total floor area of the accessory structure and *ADU* does not exceed the allowable size of the *ADU* per Section 8107-1.7.5(g). This provision does not apply to *ADUs* built attached to, or above a garage.
  - (2) An *ADU* attached to an accessory structure shall not have internal access to the accessory structure.
- j. **Limited Exception to Development Standards:** Notwithstanding any other minimum or maximum size for an *ADU*, size that may be limited based upon a percentage of the proposed or existing primary dwelling, or limits on *lot* coverage, floor area ratio, open space, front *setback*, and minimum *lot* size, for either attached or detached *ADUs*, an *ADU* that is up to 850 square feet with four-foot side and rear *setbacks* may be constructed in compliance with all other applicable development standards.

#### **Sec. 8107-1.7.6 – JADU Requirements**

A *JADU* must comply with the following requirements:

- a. **Number and Location:**
  - (1) The subject *lot* is within one of the following single-family residential zones: R1; R2; RES; ~~RPD~~; RA; RE; or RO.
  - (2) One *JADU* is allowed per *lot*, including on lots with multiple detached single-family dwellings.
  - (3) The *JADU* must be created within the walls of a proposed or existing *single-family dwelling*, including attached garages, which are considered within the walls of the existing *single-family dwelling*.
  - ~~(4) Lots with multiple detached single-family dwellings are not eligible to have a JADU.~~
  - ~~(5) (4)~~ A *JADU* is not allowed in a *multifamily dwelling*.
  - ~~(6) (5)~~ A *JADU* is not allowed in an accessory structure.
- b. **Size:** The *JADU* shall not be larger than 500 square feet in total floor area.
- c. **Kitchen:** The *JADU* must contain an efficiency *kitchen* that includes:
  - (1) Cooking facility with appliances, and
  - (2) A food preparation counter and storage cabinets.
- d. **Entrance:** The *JADU* shall have a separate entrance from the main entrance to the proposed or existing *single-family dwelling*. An interior entry into the *single-*

*family dwelling* is not required unless the *JADU* shares sanitation facilities with the *single-family dwelling*.

e. **Parking:**

(1) When a *JADU* is created by the conversion of an attached garage, replacement parking for the primary residential structure is not required to be provided.

(2) No parking is required for a *JADU*.

f. **Sanitation:** A *JADU* must either include separate sanitation facilities or share sanitation facilities with the *single-family dwelling*.

**Sec. 8107-1.7.7 – ADU and JADU Application Processing and General Requirements**

a. **Ministerial Permit Approval:**

(1) Permit applications for an *ADU* or *JADU* that meet the requirements of this Section 8107-1.7 shall be considered and approved ministerially without discretionary review or a hearing.

(2) Except for deviations processed and granted in accordance with Section 8107-37.3 (Deviations for Cultural Heritage Sites) and Section 8111-9 (Reasonable Housing Accommodations), or as required by state law, no variance to the standards or requirements of this Chapter is available for an *ADU* or *JADU*.

b. **Type of Permit:**

(1) Applications pursuant to Sections 8107-1.7.4 and 8107-1.7.6 shall be reviewed and approved with a building permit, if the applicable standards are met.

(2) Applications pursuant to Section 8107-1.7.5 shall be reviewed and approved with a Zoning Clearance, if the applicable standards are met.

c. **When Demolition Permit Required:** A demolition permit for a detached garage that is to be replaced with an *ADU* shall be reviewed with the application for the *ADU* and issued at the same time.

d. **Nonconforming Zoning Violations:** Correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of an *ADU* shall not be a condition to ministerial approval of an *ADU* or *JADU* application.

e. **Rentals, Owner Occupancy and Transfers:**

(1) Rentals: An *ADU* and *JADU* may each be rented separately from the primary residence.

(2) Rental Term: All *ADUs* and *JADUs*, and any portion thereof, that are rented shall be rented for terms that are longer than 30 consecutive days.

(3) Owner Occupancy

(a) Lot with ADU: For a *lot* with an *ADU*, the owner of the *lot* does not have to occupy the primary residence or *ADU*. However, if a *single-family dwelling*

has an *ADU* and a *JADU*, then the owner must occupy either the *JADU* or the remaining portion of the *single-family dwelling* in accordance with Section 8107-1.7.7~~(d)~~(e)(3)(b).

- (b) Lot with JADU: At the time of application for a *JADU*, the owner of the *lot* must reside in the *single-family dwelling*. Upon completion of construction of the *JADU*, the owner must occupy either the remaining portion of the *single-family dwelling* or the *JADU*. For purposes of this Section 8107-1.7.7~~(d)~~(e)(3)(b), owner includes a beneficial owner when the property is owned by a trust or legal entity. Owner-occupancy, however, is not required if the owner is a governmental agency, land trust, or housing organization.
- (4) Sales and Transfers: Except as provided in Government Code section 65852.26, an *ADU* ~~may~~ shall not be sold or otherwise conveyed separately from the primary residence. *JADUs* may not be sold or transferred separately from the *single-family dwelling*.

**f. Deed Restriction:**

- (1) For ADUs: Upon approval of an *ADU*, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:
  - (a) Rentals of the *ADU* must be for a term that is longer than 30 consecutive days; and
  - (b) Except as provided in Government Code section 65852.26, the *ADU* may not be sold or otherwise conveyed separately from the primary residence.
- (2) For JADUs: Upon approval of a *JADU*, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:
  - (a) Rentals of the *JADU* must be for a term that is longer than 30 consecutive days;
  - (b) A prohibition on the sale of the *JADU* separate from the sale of the *single-family dwelling*, including a statement that the deed restriction may be enforced against future purchasers; ~~and~~
  - (c) A restriction on the size and attributes of the *JADU* that conforms with Section 8107-1.7.6 and Government Code section 65852.22; ~~and~~;
  - (d) Owner occupancy requirements for the JADU in accordance with Section 8107-1.7.7(e)(3)(b).

## Section 2

If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Ventura County Board of Supervisors hereby declares that it would have passed and adopted this ordinance, and each and all provisions hereof, irrespective of the fact that any one or more provisions may be deemed invalid or unconstitutional.

## Section 3

This ordinance shall become effective and operative 30 days after adoption.

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES: Supervisors \_\_\_\_\_

NOES: Supervisors \_\_\_\_\_

ABSENT: Supervisors \_\_\_\_\_

\_\_\_\_\_  
CHAIR, BOARD OF SUPERVISORS

ATTEST:

DR. SEVET JOHNSON

Clerk of the Board of Supervisors

County of Ventura, State of California

By \_\_\_\_\_

Deputy Clerk of the Board



# EXHIBIT 5

## Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance (clean version)

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL24-0014)

County of Ventura  
Planning Commission Hearing  
Case No. PL24-0014  
Exhibit 5 - Proposed Ordinance  
amending Article 7 of the Non-Coastal  
Zoning Ordinance (clean version)

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF  
CALIFORNIA, AMENDING DIVISION 8, CHAPTER 1, ARTICLE 7 OF THE  
VENTURA COUNTY ORDINANCE CODE, NON-COASTAL ZONING  
ORDINANCE PERTAINING TO ACCESSORY DWELLING UNITS AND  
JUNIOR ACCESSORY DWELLING UNITS**

The Board of Supervisors of the County of Ventura ("County") ordains as follows:

**Section 1**

**ARTICLE 7:  
STANDARDS FOR SPECIFIC USES**

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**Article 7, Section 8107-1.7 – Accessory Dwelling Units**, of the Ventura County Ordinance Code, is hereby amended to read as follows:

**8107-1.7 – Accessory Dwelling Units and Junior Accessory Dwelling Units**

**Sec. 8107-1.7.1 – Purpose**

The purpose of this Section 8107-1.7 is to allow and regulate *accessory dwelling units (ADUs)* and *junior accessory dwelling units (JADUs)* in compliance with Government Code sections 65852.2 and 65852.22, as may be amended. Pursuant to Government Code section 65852.2, an *ADU* permitted through this Section 8107-1.7 does not exceed the allowable density for the *lot* upon which the *ADU* is located; and an *ADU* is a residential use that shall be deemed consistent with the existing general plan and zoning designation for the *lot*. If any provision of this Section 8107-1.7 or the underlying zoning district standards conflicts with state law, the latter shall govern.

**Sec. 8107-1.7.2 – Definitions**

As used in this Section 8107-1.7, the following definitions shall apply:

Accessory Structure - A structure that is accessory and incidental to a *dwelling* located on the same *lot* as defined in Government Code section 65852.2(j)(2), as may be amended.

Existing - Space, units, or structures that are legally permitted or legal non-conforming.

Nonconforming Zoning Condition - A physical improvement on a property that does not conform to current zoning standards as defined in Government Code section 65852.2(j)(6), as may be amended.

Passageway - A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the *accessory dwelling unit* as defined in Government Code section 65852.2(j)(8), as may be amended.

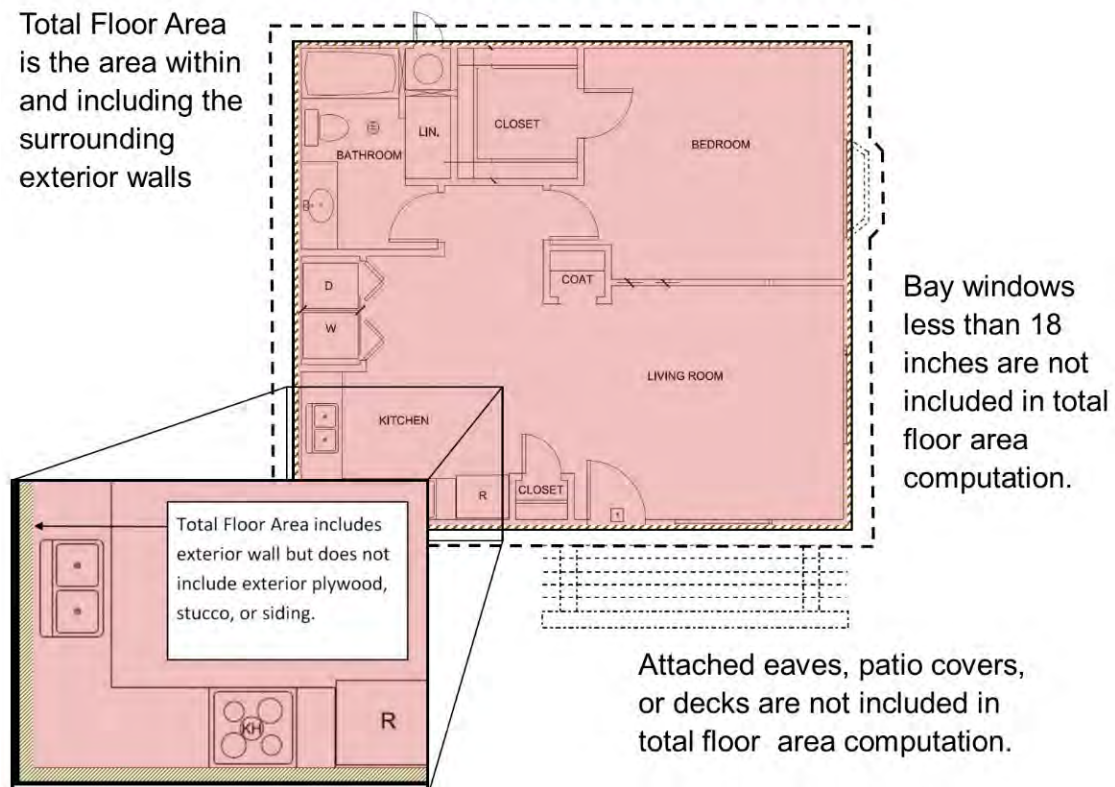
Proposed Dwelling - A *dwelling* that is the subject of a permit application and that meets the requirements for permitting as defined in Government Code section 65852.2(j)(10), as may be amended.

Public Transit - A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public as defined in Government Code section 65852.2(j)(11), as may be amended.

Tandem Parking - A parking configuration where two or more automobiles are parked on a driveway or in any other location on a *lot*, lined up behind one another as defined in Government Code section 65852.2(j)(12), as may be amended.

Total Floor Area - Shall have the same definition as “building area” as set forth in Title 24, Part 2, Chapter 2 of the California Building Code, as may be amended, which states: “The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.” However, the computation of total floor area for *ADUs* shall not include: a garage that is attached to, or below the *ADU* when there is no internal access from the garage to the *ADU*; or an unenclosed area or feature such as any eave or architectural feature, attached covered patio or deck, an open deck constructed at or below the level of the first floor, a balcony or the space below a cantilevered balcony, the space below an open and unenclosed stairway, a covered car port, a bay window that does not extend to the floor or protrude more than 18 inches from the adjoining exterior wall, or similar, as illustrated in Figure 1.

**Figure 1**



### **Sec. 8107-1.7.3 – Types of Accessory Dwelling Units**

An *ADU* may be created in the following forms:

- a. Detached: The *ADU* is separated from the primary residential structure.
- b. Attached: The *ADU* is attached to the primary residential structure. An attached *ADU* may include the conversion of existing partially enclosed spaces (such as a covered patio) to an *ADU* that is attached to the primary residential structure.
- c. Space within Primary Residential Structure: The *ADU* is created within the space (e.g., primary bedroom, attached garage, storage area, or similar use) of an existing or proposed primary residential structure.
- d. Space within an Existing Accessory Structure: The *ADU* is created within the space of an existing accessory structure that is located on the lot of the primary residence.

### **Sec. 8107-1.7.4 – ADUs and JADUs Allowed by Building Permit**

A complete application for a building permit shall be ministerially approved to allow *ADU(s)* and/or a *JADU* that meets applicable Building Code and Fire Code requirements and the standards set forth in Sections 8107-1.7.4(a), (b), (c) or (d).

- a. **Within Space of *Single-Family Dwellings* and Accessory Structures:** One *ADU* within the space of a single-family dwelling or accessory structure pursuant to this Section 8107-1.7.4(a) is allowed per lot if all the following standards are met:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.
  - (2) Location of *ADU* and/or *JADU*:
    - (a) The *ADU* or *JADU* is created within a portion of the existing or proposed space of a *single-family dwelling* and has exterior access from the proposed or existing *single-family dwelling*; or
    - (b) The *ADU* is created within the existing space of an accessory structure, such as the conversion of garages and other accessory structures, either attached or detached from the primary dwelling. An existing accessory structure may include an expansion of not more than 150 square feet beyond its same physical dimensions, but such expansion shall be limited to accommodating ingress and egress to the *ADU*.
  - (3) The side and rear *setbacks* comply with applicable Building and Fire Code requirements, even if the existing side and rear setbacks are legal non-conforming.
  - (4) The *ADU* pursuant to this Section 8107-1.7.4(a) may be combined with:
    - (a) One *ADU* that meets the standards of either Section 8107-1.7.4(b) or Section 8107-1.7.5; and
    - (b) One *JADU* complying with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.
- b. **New Detached *ADU* with an Existing or Proposed *Single-Family Dwelling*:** One detached new construction *ADU* pursuant to this Section 8107-1.7.4(b) is allowed on a *lot* with a proposed or existing *single-family dwelling* if all the following standards are met:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.
  - (2) The *ADU*'s side and rear yard *setbacks* are at least four feet.
  - (3) The *ADU* does not exceed 850 square feet.
  - (4) The *ADU*'s maximum building height above grade complies with the height limitations identified in Section 8107-1.7.5(d)(1).
  - (5) The *ADU* pursuant to this Section 8107-1.7.4(b) may be combined with:
    - (a) One *ADU* that meets the standards of either Section 8107-1.7.4(a) or Section 8107-1.7.5; and
    - (b) One *JADU* complying with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.

- c. **ADUs in Existing Multifamily Dwelling Structures:** ADUs within portions of existing *multifamily dwelling* structures are allowed pursuant to this Section 8107-1.7.4(c), and may be combined with detached ADUs pursuant to Section 8107-1.7.4(d), if all the following standards are met, even if the *multifamily dwelling* is legal nonconforming:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
  - (2) Location of ADU:
    - (a) The ADUs are created within portions of the existing *multifamily dwelling* structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. If there is no existing non-livable space within a *multifamily dwelling* structure, an ADU cannot be created pursuant to this Section 8107-1.7.4(c).
    - (b) The non-livable space used to create an ADU pursuant to this Section 8107-1.7.4(c) on a lot with mixed-uses shall be limited to the residential areas, and shall not include the areas used for commercial or other non-residential activities. Parking and storage areas for non-residential uses shall also be excluded from potential ADU development pursuant to this Section 8107-1.7.4(c).
  - (3) The maximum number of ADUs that may be created pursuant to this Section 8107-1.7.4(c) shall be at least one or the number of ADUs equal to up to 25 percent of the existing *multifamily dwelling* units, whichever is greater.
- d. **Detached ADUs with Existing or Proposed Multifamily Dwelling:** Up to two detached ADUs are allowed on *lots* with an existing or proposed *multifamily dwelling* pursuant to this Section 8107-1.7.4(d), and may be combined with ADUs created within *multifamily dwellings* pursuant to Section 8107-1.7.4(c), if all the following standards are met, even if the *multifamily dwelling* is legal nonconforming:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
  - (2) The ADUs maximum height above grade complies with the height limitations identified in Section 8107-1.7.5(d)(1).
  - (3) New construction ADUs shall not exceed 1,200 square feet.
  - (4) The ADU's side- and rear-yard *setbacks* are at least four feet.
  - (5) Detached ADUs may be attached to each other, but must be detached from the existing or proposed *multifamily dwelling*.
- e. **No Zoning Clearance Required:** No Zoning Clearance or other land use entitlement is required pursuant to this Chapter for an ADU or JADU authorized under this Section 8107-1.7.4.

- f. **Not Subject to Development Standards in Section 8107-1.7.5:** *ADUs* that meet the requirements of Section 8107-1.7.4(a), (b), (c), or (d) and are entitled to a building permit are not subject to the development standards of Section 8107-1.7.5, including size, *setback*, parking and *lot* coverage requirements.

**Sec. 8107-1.7.5 – Development Standards for ADUs Not Authorized under Section 8107-1.7.4**

*ADUs* that do not meet the standards under Section 8107-1.7.4 for approval by building permit shall be approved with a ministerial Zoning Clearance if the *ADU* meets Building Code and Fire Code requirements, the standards in this Section 8107-1.7.5 and other applicable zoning standards.

**a. Property Requirements:**

- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, CPD/CBD, OS, AE, or TP.
- (2) The *lot* has a proposed or existing *single-family* or *multifamily dwelling*.

**b. Maximum Number of *ADUs* and *JADUs* per Lot:**

- (1) Each *lot* may have one *ADU* pursuant to this Section 8107-1.7.5, which may be combined with:
  - (a) One *ADU* that meets the standards of either Section 8107-1.7.4(a) or Section 8107-1.7.4(b); and
  - (b) One *JADU* that meets the standards of Section 8107-1.7.6.
- (2) *Lots* zoned OS, AE, or TP are only allowed a maximum of one *ADU* pursuant to this Section 8107-1.7.5.

**c. Parking Standards:**

- (1) No Parking Requirements: No parking standards apply for an *ADU* in any of the following instances:
  - (a) Where the *ADU* is located within one-half mile walking distance of public transit.
  - (b) Where the *ADU* is located within an architecturally and historically significant historic district.
  - (c) Where the *ADU* is part of the proposed or existing primary residence or an accessory structure.
  - (d) When on-street parking permits are required but not offered to the occupant of the *ADU*.
  - (e) When there is a car share vehicle, as defined by section 22507.1(d) of the Vehicle Code, located within one block of the *ADU*.
  - (f) When a permit application for an *ADU* is submitted with a permit application to create a new *single-family dwelling* or a new *multifamily dwelling* on the same lot, provided that the *ADU* or the parcel satisfies any of the criteria listed above in this Section 8107-1.7.5(c)(1).



- (2) Required Off-street Parking: Except as provided in Section 8107-1.7.5(c)(1), the following off-street parking standards shall apply:
- (a) Number of Spaces. One covered or uncovered off-street parking space is required per *ADU* or per bedroom, whichever is less.
  - (b) Location of Spaces. Off-street parking may be provided as tandem parking on a driveway. Additionally, the parking space for an *ADU* may encroach into a required front and/or interior side *setback*, provided that:
    - i. The long dimension of the space is parallel to the centerline of the nearest driveway on the *lot*; and
    - ii. On *interior lots*, a minimum distance of three feet from the side *lot line* remains unobstructed by vehicles.
- (3) No Off-Street Replacement Parking Required for Primary Residential Structure: When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an *ADU* or converted to an *ADU*, those off-street parking spaces do not need to be replaced for the primary dwelling. Additionally, no parking is required for a newly created *ADU* pursuant to Section 8107-1.7.5(c)(1)(c) above.

**d. Height:**

- (1) The maximum allowed height for detached *ADUs* is as follows:
- (a) Maximum of 16 feet above grade on a lot with an existing or proposed *single-family* or *multifamily dwelling*; or
  - (b) Maximum of 18 feet above grade on a *lot* with an existing or proposed *multifamily dwelling* with multiple stories; or
  - (c) Maximum of 18 feet above grade if the *lot* has an existing or proposed *single-family* or *multifamily dwelling*, and is within one half-mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the Public Resources Code. An additional two feet in overall height is allowed to accommodate a roof pitch that is aligned with the roof pitch of the primary *dwelling unit*.
  - (d) Detached *ADUs* may exceed the allowable height limits set forth in subsections (a) through (c) above if the *ADU* is set back at least 20 feet from all property lines, but the *ADU* shall not exceed the maximum allowed building height of the primary *dwelling unit* on the *lot*, pursuant to Article 6 of this Chapter.
  - (e) Detached *ADUs* are limited to no more than two stories.
- (2) The maximum allowed height for an attached *ADU* is 25 feet above grade or the maximum allowed building height of the primary dwelling pursuant to Article 6 of this Chapter, whichever is lower.

**e. Setbacks:**

- (1) No additional *setbacks* are required if any of the following are converted to an *ADU* or portion of an *ADU*: (a) an existing living area; (b) an existing accessory structure; or (c) a new structure constructed in the same building footprint and to the same dimensions as an existing structure. The provisions of Article 13 of this Chapter shall not apply in these situations. For purposes of this section, living area, as defined by Government Code section 65852.2(j)(4), means the interior habitable area of a *dwelling* unit, including basements and attics, but does not include a garage or any accessory structure.
  - (2) All other new attached and detached *ADUs* shall have four-foot *setbacks* from the rear and side *lot lines*.
- f. **Minimum Lot Size:** There is no minimum *lot* size requirement for an *ADU* or *JADU*.
- g. **ADU Size for Attached and Detached ADUs:**
- (1) For *lots* that are 9,000 square feet or less, the maximum total floor area of an attached or detached *ADU* shall be 850 square feet if there is one bedroom or an efficiency unit; or 1,000 square feet if there is more than one bedroom; or
  - (2) For *lots* that are larger than 9,000 square feet, but less than 10 acres, the maximum total floor area of an attached or detached *ADU* shall be 1,200 square feet; or
  - (3) For *lots* that are 10 acres in size or larger, the maximum total floor area of an attached or detached *ADU* shall be 1,800 square feet.
  - (4) Covered patios, decks, and garages below the *ADU* are not included in the total floor area computation but are counted toward the maximum allowable square footage allowed for “accessory structures to dwellings” in Sec. 8105-4.
- h. **ADUs Within Space of Single-Family Dwellings in the OS, AE or TP Zones:** One *ADU* per *lot* is allowed within a proposed or existing *single-family dwelling* in the OS, AE or TP zones if the applicable standards of this Section 8107-1.7.5 and the following standards are met:
- (1) The *ADU* is created within a portion of the existing or proposed space of a *single-family dwelling* and has independent exterior access;
  - (2) The *ADU* does not have internal access to the primary dwelling;
  - (3) The *ADU* does not exceed the size maximums for attached or detached *ADUs* set forth in Section 8107-1.7.5(g), as applicable; and
  - (4) The side and rear *setbacks* comply with applicable Building and Fire Code requirements.
- i. **Accessory Structures:**
- (1) No accessory structure shall be attached to a detached *ADU* unless the combined total floor area of the accessory structure and *ADU* does not exceed the allowable size of the *ADU* per Section 8107-1.7.5(g). This provision does not apply to *ADUs* built attached to, or above a garage.

- (2) An *ADU* attached to an accessory structure shall not have internal access to the accessory structure.
- j. **Limited Exception to Development Standards:** Notwithstanding any other minimum or maximum size for an *ADU*, size that may be limited based upon a percentage of the proposed or existing primary dwelling, or limits on *lot* coverage, floor area ratio, open space, front *setback*, and minimum *lot* size, for either attached or detached *ADUs*, an *ADU* that is up to 850 square feet with four-foot side and rear *setbacks* may be constructed in compliance with all other applicable development standards.

#### **Sec. 8107-1.7.6 – JADU Requirements**

A *JADU* must comply with the following requirements:

a. **Number and Location:**

- (1) The subject *lot* is within one of the following single-family residential zones: R1; R2; RES; RA; RE; or RO.
- (2) One *JADU* is allowed per *lot*, including on *lots* with multiple detached *single-family dwellings*.
- (3) The *JADU* must be created within the walls of a proposed or existing *single-family dwelling*, including attached garages, which are considered within the walls of the existing *single-family dwelling*.
- (4) A *JADU* is not allowed in a *multifamily dwelling*.
- (5) A *JADU* is not allowed in an accessory structure.

b. **Size:** The *JADU* shall not be larger than 500 square feet in total floor area.

c. **Kitchen:** The *JADU* must contain an efficiency *kitchen* that includes:

- (1) Cooking facility with appliances, and
- (2) A food preparation counter and storage cabinets.

d. **Entrance:** The *JADU* shall have a separate entrance from the main entrance to the proposed or existing *single-family dwelling*. An interior entry into the *single-family dwelling* is not required unless the *JADU* shares sanitation facilities with the *single-family dwelling*.

e. **Parking:**

- (1) When a *JADU* is created by the conversion of an attached garage, replacement parking for the primary residential structure is not required to be provided.
- (2) No parking is required for a *JADU*.

f. **Sanitation:** A *JADU* must either include separate sanitation facilities or share sanitation facilities with the *single-family dwelling*.

#### **Sec. 8107-1.7.7 – ADU and JADU Application Processing and General Requirements**

a. **Ministerial Permit Approval:**

- (1) Permit applications for an *ADU* or *JADU* that meet the requirements of this Section 8107-1.7 shall be considered and approved ministerially without discretionary review or a hearing.
  - (2) Except for deviations processed and granted in accordance with Section 8107-37.3 (Deviations for Cultural Heritage Sites) and Section 8111-9 (Reasonable Housing Accommodations), or as required by state law, no variance to the standards or requirements of this Chapter is available for an *ADU* or *JADU*.
- b. **Type of Permit:**
- (1) Applications pursuant to Sections 8107-1.7.4 and 8107-1.7.6 shall be reviewed and approved with a building permit, if the applicable standards are met.
  - (2) Applications pursuant to Section 8107-1.7.5 shall be reviewed and approved with a Zoning Clearance, if the applicable standards are met.
- c. **When Demolition Permit Required:** A demolition permit for a detached garage that is to be replaced with an *ADU* shall be reviewed with the application for the *ADU* and issued at the same time.
- d. **Nonconforming Zoning Violations:** Correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of an *ADU* shall not be a condition to ministerial approval of an *ADU* or *JADU* application.
- e. **Rentals, Owner Occupancy and Transfers:**
- (1) Rentals: An *ADU* and *JADU* may each be rented separately from the primary residence.
  - (2) Rental Term: All *ADUs* and *JADUs*, and any portion thereof, that are rented shall be rented for terms that are longer than 30 consecutive days.
  - (3) Owner Occupancy
    - (a) Lot with ADU: For a *lot* with an *ADU*, the owner of the *lot* does not have to occupy the primary residence or *ADU*. However, if a *single-family dwelling* has an *ADU* and a *JADU*, then the owner must occupy either the *JADU* or the remaining portion of the *single-family dwelling* in accordance with Section 8107-1.7.7(e)(3)(b).
    - (b) Lot with JADU: At the time of application for a *JADU*, the owner of the *lot* must reside in the *single-family dwelling*. Upon completion of construction of the *JADU*, the owner must occupy either the remaining portion of the *single-family dwelling* or the *JADU*. For purposes of this Section 8107-1.7.7(e)(3)(b), owner includes a beneficial owner when the property is owned by a trust or legal entity. Owner-occupancy, however, is not required if the owner is a governmental agency, land trust, or housing organization.
  - (4) Sales and Transfers: Except as provided in Government Code section 65852.26, an *ADU* shall not be sold or otherwise conveyed separately from the

primary residence. *JADUs* may not be sold or transferred separately from the *single-family dwelling*.

**f. Deed Restriction:**

- (1) For ADUs: Upon approval of an *ADU*, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:
  - (a) Rentals of the *ADU* must be for a term that is longer than 30 consecutive days; and
  - (b) Except as provided in Government Code section 65852.26, the *ADU* may not be sold or otherwise conveyed separately from the primary residence.
- (2) For JADUs: Upon approval of a *JADU*, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:
  - (a) Rentals of the *JADU* must be for a term that is longer than 30 consecutive days;
  - (b) A prohibition on the sale of the *JADU* separate from the sale of the *single-family dwelling*, including a statement that the deed restriction may be enforced against future purchasers;
  - (c) A restriction on the size and attributes of the *JADU* that conforms with Section 8107-1.7.6 and Government Code section 65852.22; and-
  - (d) Owner occupancy requirements for the *JADU* in accordance with Section 8107-1.7.7(e)(3)(b).

## **Section 2**

If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Ventura County Board of Supervisors hereby declares that it would have passed and adopted this ordinance, and each and all provisions hereof, irrespective of the fact that any one or more provisions may be deemed invalid or unconstitutional.

## **Section 3**

This ordinance shall become effective and operative 30 days after adoption.

PASSED AND ADOPTED this \_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES: Supervisors \_\_\_\_\_

NOES: Supervisors \_\_\_\_\_

ABSENT: Supervisors \_\_\_\_\_

\_\_\_\_\_  
CHAIR, BOARD OF SUPERVISORS

ATTEST:

DR. SEVET JOHNSON

Clerk of the Board of Supervisors

County of Ventura, State of California

By \_\_\_\_\_

Deputy Clerk of the Board

# **EXHIBIT 6**

## **2023 ADU Ordinance**

### **(Ord. No. 4615)**

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL24-0014)

County of Ventura  
Planning Commission Hearing  
Case No. PL24-0014  
Exhibit 6 – 2023 ADU Ordinance  
(Ord. No. 4615)

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ORDINANCE NO. 4615

AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AMENDING DIVISION 8, CHAPTER 1, ARTICLES 2, 5, 7, 8, 11, AND 19 OF THE VENTURA COUNTY ORDINANCE CODE, NON-COASTAL ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

The Board of Supervisors of the County of Ventura ("County") ordains as follows:

**Section 1**

**ARTICLE 2:  
DEFINITIONS**

---

**Article 2, Section 8102-0 – Application of Definitions**, of the Ventura County Ordinance Code is hereby amended by revising the following existing definition to read as follows:

Dwelling Unit, Accessory (ADU) - An attached or a detached residential *dwelling* unit, or a unit within the existing space of a primary *dwelling* unit, which provides complete independent living facilities for one or more persons and is located on a *lot* with a proposed or existing primary *dwelling*. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same *lot* as the proposed or existing *single-family or multifamily dwelling*. An accessory dwelling unit also includes the following:

- (a) An efficiency unit, as defined in section 17958.1 of the Health and Safety Code; and
- (b) A manufactured home, as defined in section 18007 of the Health and Safety Code.

**Article 2, Section 8102-0 – Application of Definitions**, of the Ventura County Ordinance Code is hereby amended by adding the following definition:

Dwelling Unit, Junior Accessory (JADU) - A *dwelling* unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family *dwelling*. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

## Section 2

# ARTICLE 5:

# USES AND STRUCTURES BY ZONE

**Article 5, Section 8105-4 - Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones**, of the Ventura County Ordinance Code, is hereby amended to read as follows with respect to the below-stated land uses relating to Accessory Dwelling Units and Junior Accessory Dwelling Units:

### Sec. 8105-4 – Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<b>DWELLINGS (43)</b>											
Dwellings, Single-Family * (Mobilehomes - See Sec. 8107-1.3)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD		ZC	
Mobilehome, Continuing Nonconforming (15)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	
Dwellings, Two-Family, Or Two Single-Family Dwellings							ZC	PD			
Dwellings, Multi-Family (42)(43)(44)								PD	ZC		
Accessory Dwellings											
Accessory Dwelling Unit (ADU)	Pursuant to Sec. 8107-1.7										
Junior Accessory Dwelling Unit (JADU)	Pursuant to Sec. 8107-1.7										
Employee Housing (55)	See Sec. 8107-26										
Agricultural Employee Housing											
Maximum of 4 dwelling units	ZC	ZC	ZC							ZC	
More than 4 dwelling units or not meeting standards established by Sec. 8107-26.3	PD	PD	PD							PD	
Other Employee Housing (6 or fewer employees)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD		ZC	
Farmworker Housing Complex (55)	PD	PD	PD								
Farmworker Group Quarters (55)	PD	PD	PD								

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
Dwellings, Accessory Structures To											
Buildings For Human Habitation: (3, 19)											
temporary housing during construction/prior to reconstruction* (19, 42, 50)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	

\*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.

**Article 5, Section 8105-5 - Permitted Uses in Commercial and Industrial Zones**, of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated land uses relating to Accessory Dwelling Units:

#### **Sec. 8105-5 - Permitted Uses in Commercial and Industrial Zones**

	CO	C1	CPD	M1	M2	M3
<b>MIXED USE DEVELOPMENT WITHIN THE CBD OVERLAY ZONE PER SECTION 8109-4.5.5 (37)</b>			PD			
Accessory Dwelling Unit (ADU) within the CBD overlay zone*			Pursuant to Sec. 8107-1.7			

\*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.

<b>E</b> = Exempt	<b>ZCW</b> = Zoning Clearance with signed waivers			Approved by Planning Director or Designee	Approved by Planning Commission	Approved by Board of Supervisors
<b>ZC</b> = Zoning Clearance unless specifically exempted	<b>PD</b> = Planned Development Permit <b>CUP</b> = Conditional Use Permit	Not Allowed	Exempt			



**Section 3**  
**ARTICLE 7:**  
**STANDARDS FOR SPECIFIC USES**

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**Article 7, Section 8107-1.7 – Accessory Dwelling Units**, of the Ventura County Ordinance Code, is hereby repealed and reenacted to read as follows:

**8107-1.7 – Accessory Dwelling Units and Junior Accessory Dwelling Units**

**Sec. 8107-1.7.1 – Purpose**

The purpose of this Section 8107-1.7 is to allow and regulate *accessory dwelling units (ADUs)* and *junior accessory dwelling units (JADUs)* in compliance with Government Code sections 65852.2 and 65852.22, as may be amended. Pursuant to Government Code section 65852.2, an *ADU* permitted through this Section 8107-1.7 does not exceed the allowable density for the *lot* upon which the *ADU* is located; and an *ADU* is a residential use that shall be deemed consistent with the existing general plan and zoning designation for the *lot*. If any provision of this Section 8107-1.7 or the underlying zoning district standards conflicts with state law, the latter shall govern.

**Sec. 8107-1.7.2 – Definitions**

As used in this Section 8107-1.7, the following definitions shall apply:

Accessory Structure - A structure that is accessory and incidental to a *dwelling* located on the same *lot* as defined in Government Code section 65852.2(j)(2), as may be amended.

Existing - Space, units, or structures that are legally permitted or legal non-conforming.

Nonconforming Zoning Condition - A physical improvement on a property that does not conform with current zoning standards as defined in Government Code section 65852.2(j)(6), as may be amended.

Passageway - A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the *accessory dwelling unit* as defined in Government Code section 65852.2(j)(7), as may be amended.

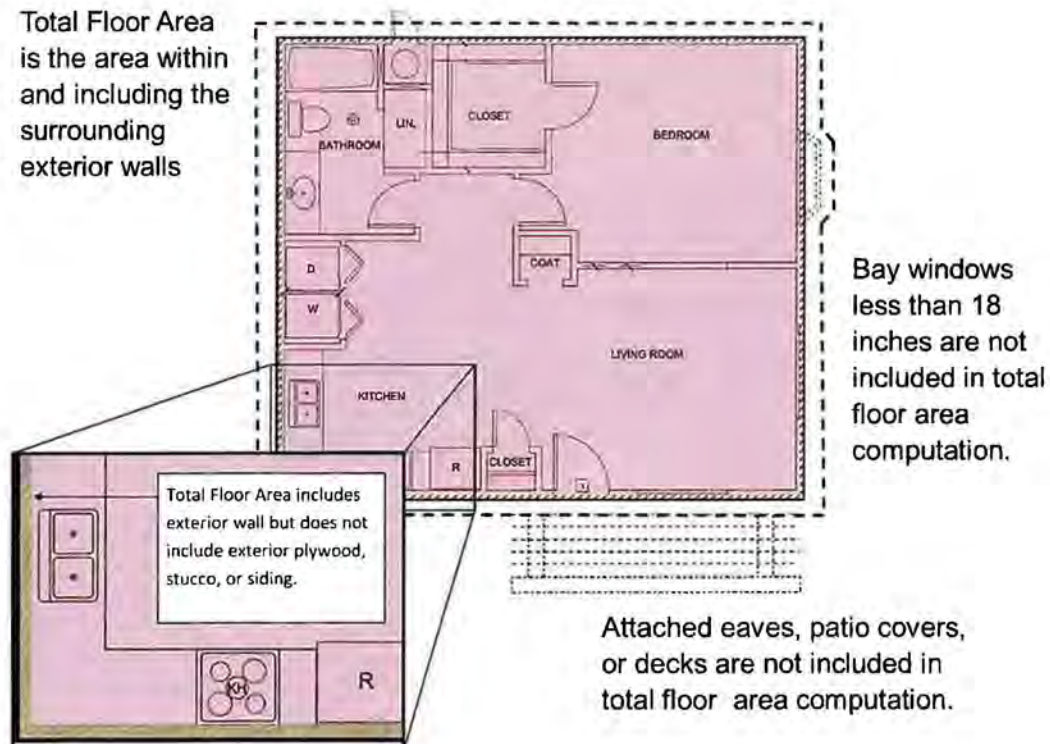
Proposed Dwelling - A *dwelling* that is the subject of a permit application and that meets the requirements for permitting as defined in Government Code section 65852.2(j)(8), as may be amended.

Public Transit - A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public as defined in Government Code section 65852.2(j)(9), as may be amended.

Tandem Parking - A parking configuration where two or more automobiles are parked on a driveway or in any other location on a *lot*, lined up behind one another as defined in Government Code section 65852.2(j)(10), as may be amended.

**Total Floor Area** - Shall have the same definition as "building area" as set forth in Title 24, Part 2, Chapter 2 of the California Building Code, as may be amended, which states: "The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above." However, the computation of total floor area for ADUs shall not include: a garage that is attached to, or below the ADU when there is no internal access from the garage to the ADU; or an unenclosed area or feature such as any eave or architectural feature, attached covered patio or deck, an open deck constructed at or below the level of the first floor, a balcony or the space below a cantilevered balcony, the space below an open and unenclosed stairway, a covered car port, a bay window that does not extend to the floor or protrude more than 18 inches from the adjoining exterior wall, or similar, as illustrated in Figure 1.

**Figure 1**



### **Sec. 8107-1.7.3 – Types of Accessory Dwelling Units**

An ADU may be created in the following forms:

- a. **Detached:** The ADU is separated from the primary residential structure.
- b. **Attached:** The ADU is attached to the primary residential structure. An attached ADU may include the conversion of existing partially enclosed spaces (such as a covered patio) to an ADU that is attached to the primary residential structure.

- c. Space within Primary Residential Structure: The ADU is created within the space (e.g., primary bedroom, attached garage, storage area, or similar use) of an existing or proposed primary residential structure.
- d. Space within an Existing Accessory Structure: The ADU is created within the space of an existing accessory structure that is located on the lot of the primary residence.

**Sec. 8107-1.7.4 – ADUs and JADUs Allowed by Building Permit**

A complete application for a building permit shall be ministerially approved to allow an ADU and/or JADU that meets applicable Building Code and Fire Code requirements and the standards set forth in Sections 8107-1.7.4(a), (b), (c) or (d).

- a. **Within Space of *Single-Family Dwellings* and Accessory Structures:** One ADU and one JADU per lot is allowed if all the following standards are met:

- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.

- (2) Location of ADU and/or JADU:

- (a) The ADU or JADU is created within a portion of the existing or proposed space of a *single-family dwelling* and has exterior access from the proposed or existing *single-family dwelling*; or

- (b) The ADU is created within the existing space of an accessory structure, such as the conversion of garages and other accessory structures, either attached or detached from the primary dwelling. An existing accessory structure may include an expansion of not more than 150 square feet beyond its same physical dimensions, but such expansion shall be limited to accommodating ingress and egress to the ADU.

- (3) The side and rear *setbacks* comply with applicable Building and Fire Code requirements, even if the existing side and rear setbacks are legal non-conforming.

- (4) The JADU complies with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.

- b. **New Detached ADU with an Existing or Proposed *Single-Family Dwelling*:** One detached new construction ADU is allowed on a *lot* with a proposed or existing *single-family dwelling* and may be combined with a JADU if all the following standards are met:

- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.

- (2) The ADU's side and rear yard *setbacks* are at least four feet.

- (3) The ADU does not exceed 850 square feet.

- (4) The ADU's maximum building height above grade complies with the height limitations identified in Section 8107-1.7.5(d)(1).

- (5) The JADU complies with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.



- c. **ADUs in Existing Multifamily Dwelling Structures:** ADUs within portions of existing *multifamily dwelling* structures are allowed, and may be combined with detached ADUs pursuant to Section 8107-1.7.4(d), if all the following standards are met, even if the *multifamily dwelling* is legal nonconforming:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
  - (2) Location of ADU:
    - (a) The ADUs are created within portions of the existing *multifamily dwelling* structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. If there is no existing non-livable space within a *multifamily dwelling* structure, an ADU cannot be created pursuant to this Section 8107-1.7.4(c).
    - (b) The non-livable space used to create an ADU pursuant to this Section 8107-1.7.4(c) on a lot with mixed-uses shall be limited to the residential areas, and shall not include the areas used for commercial or other non-residential activities. Parking and storage areas for non-residential uses shall also be excluded from potential ADU development pursuant to this Section 8107-1.7.4(c).
  - (3) The maximum number of ADUs that may be created pursuant to this Section 8107-1.7.4(c) shall be at least one or the number of ADUs equal to up to 25 percent of the existing *multifamily dwelling* units, whichever is greater.
- d. **Detached ADUs with Existing or Proposed Multifamily Dwelling:** Up to two detached ADUs are allowed on *lots* with an existing or proposed *multifamily dwelling*, and may be combined with ADUs created within *multifamily dwellings* pursuant to Section 8107-1.7.4(c), if all the following standards are met, even if the *multifamily dwelling* is legal nonconforming:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
  - (2) The ADUs maximum height above grade complies with the height limitations identified in Section 8107-1.7.5(d)(1).
  - (3) New construction ADUs shall not exceed 1,200 square feet.
  - (4) The ADU's side- and rear-yard *setbacks* are at least four feet.
  - (5) Detached ADUs may be attached to each other, but must be detached from the existing or proposed *multifamily dwelling* and from other accessory structures on the lot.
- e. **No Zoning Clearance Required:** No Zoning Clearance or other land use entitlement is required pursuant to this Chapter for an ADU or JADU authorized under this Section 8107-1.7.4.
- f. **Not Subject to Development Standards in Section 8107-1.7.5:** ADUs that meet the requirements of Section 8107-1.7.4(a), (b), (c), or (d) and are entitled to a

building permit are not subject to the development standards of Section 8107-1.7.5, including size, *setback*, parking and *lot* coverage requirements.

**Sec. 8107-1.7.5 – Development Standards for ADUs Not Authorized under Section 8107-1.7.4**

ADUs that do not meet the standards under Section 8107-1.7.4 for approval by building permit shall be approved with a ministerial Zoning Clearance if the ADU meets Building Code and Fire Code requirements, the standards in this Section 8107-1.7.5 and other applicable zoning standards.

**a. Property Requirements:**

(1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, CPD/CBD, OS, AE, or TP.

(2) The *lot* has a proposed or existing *single-family* or *multifamily dwelling*.

**b. Maximum Number of ADUs and JADUs per Lot:** Each *lot* may have one ADU if the standards of this Section 8107-1.7.5 are met, and one JADU if the standards of Section 8107-1.7.6 are met.

**c. Parking Standards:**

(1) No Parking Requirements: No parking standards apply for an ADU in any of the following instances:

(a) Where the ADU is located within one-half mile walking distance of public transit.

(b) Where the ADU is located within an architecturally and historically significant historic district.

(c) Where the ADU is part of the proposed or existing primary residence or an accessory structure.

(d) When on-street parking permits are required but not offered to the occupant of the ADU.

(e) When there is a car share vehicle, as defined by section 22507.1(d) of the Vehicle Code, located within one block of the ADU.

(f) When a permit application for an ADU is submitted with a permit application to create a new *single-family dwelling* or a new *multifamily dwelling* on the same lot, provided that the ADU or the parcel satisfies any of the criteria listed above in this Section 8107-1.7.5(c)(1).

(2) Required Off-street Parking: Except as provided in Section 8107-1.7.5(c)(1), the following off-street parking standards shall apply:

(a) Number of Spaces. One covered or uncovered off-street parking space is required per ADU or per bedroom, whichever is less.

(b) Location of Spaces. Off-street parking may be provided as tandem parking on a driveway. Additionally, the parking space for an ADU may encroach into a required front and/or interior side *setback*, provided that:



- i. The long dimension of the space is parallel to the centerline of the nearest driveway on the *lot*; and
- ii. On *interior lots*, a minimum distance of three feet from the side *lot line* remains unobstructed by vehicles.

(3) No Off-Street Replacement Parking Required for Primary Residential Structure: When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an *ADU* or converted to an *ADU*, those off-street parking spaces do not need to be replaced for the primary dwelling. Additionally, no parking is required for a newly created *ADU* pursuant to Section 8107-1.7.5(c)(1)(c) above.

**d. Height:**

- (1) The maximum allowed height for detached *ADUs* is as follows:
  - (a) Maximum of 16 feet above grade on a lot with an existing or proposed *single-family* or *multifamily dwelling*; or
  - (b) Maximum of 18 feet above grade on a *lot* with an existing or proposed *multifamily dwelling* with multiple stories; or
  - (c) Maximum of 18 feet above grade if the *lot* has an existing or proposed *single-family* or *multifamily dwelling*, and is within one half-mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the Public Resources Code. An additional two feet in overall height is allowed to accommodate a roof pitch that is aligned with the roof pitch of the primary *dwelling unit*.
  - (d) Detached *ADUs* may exceed the allowable height limits set forth in subsections (a) through (c) above if the *ADU* is set back at least 20 feet from all property lines, but the *ADU* shall not exceed the maximum allowed building height of the primary *dwelling unit* on the *lot*, pursuant to Article 6 of this Chapter.
  - (e) Detached *ADUs* are limited to no more than two stories.
- (2) The maximum allowed height for an attached *ADU* is 25 feet above grade or the maximum allowed building height of the primary dwelling pursuant to Article 6 of this Chapter, whichever is lower.

**e. Setbacks:**

- (1) No additional *setbacks* are required if any of the following are converted to an *ADU* or portion of an *ADU*: (a) an existing living area; (b) an existing accessory structure; or (c) a new structure constructed in the same building footprint and to the same dimensions as an existing structure. The provisions of Article 13 of this Chapter shall not apply in these situations. For purposes of this section, living area, as defined by Government Code section 65852.2(j)(4), means the interior habitable area of a *dwelling unit*, including basements and attics, but does not include a garage or any accessory structure.
- (2) All other new attached and detached *ADUs* shall have four-foot *setbacks* from the rear and side *lot lines*.

- f. **Minimum Lot Size:** There is no minimum *lot* size requirement for an *ADU* or *JADU*.
- g. **ADU Size for Attached and Detached ADUs:**
- (1) For *lots* that are 9,000 square feet or less, the maximum total floor area of an attached or detached *ADU* shall be 850 square feet if there is one bedroom or an efficiency unit; or 1,000 square feet if there is more than one bedroom; or
  - (2) For *lots* that are larger than 9,000 square feet, but less than 10 acres, the maximum total floor area of an attached or detached *ADU* shall be 1,200 square feet; or
  - (3) For *lots* that are 10 acres in size or larger, the maximum total floor area of an attached or detached *ADU* shall be 1,800 square feet.
  - (4) Covered patios, decks, and garages below the *ADU* are not included in the total floor area computation but are counted toward the maximum allowable square footage allowed for "accessory structures to dwellings" in Sec. 8105-4.
- h. **ADUs Within Space of Single-Family Dwellings:** One *ADU* per *lot* is allowed within a proposed or existing *single-family dwelling* if the applicable standards of this Section 8107-1.7.5 and the following standards are met:
- (1) The *ADU* is created within a portion of the existing or proposed space of a *single-family dwelling* and has independent exterior access;
  - (2) The *ADU* does not have internal access to the primary dwelling;
  - (3) The *ADU* does not exceed the size maximums for attached or detached *ADUs* set forth in Section 8107-1.7.5(g), as applicable; and
  - (4) The side and rear *setbacks* comply with applicable Building and Fire Code requirements.
- i. **Accessory Structures:**
- (1) No accessory structure shall be attached to a detached *ADU* unless the combined total floor area of the accessory structure and *ADU* does not exceed the allowable size of the *ADU* per Section 8107-1.7.5(g). This provision does not apply to *ADUs* built attached to, or above a garage.
  - (2) An *ADU* attached to an accessory structure shall not have internal access to the accessory structure.
- j. **Limited Exception to Development Standards:** Notwithstanding any other minimum or maximum size for an *ADU*, size that may be limited based upon a percentage of the proposed or existing primary dwelling, or limits on *lot* coverage, floor area ratio, open space, front *setback*, and minimum *lot* size, for either attached or detached *ADUs*, an *ADU* that is up to 850 square feet with four-foot side and rear *setbacks* may be constructed in compliance with all other applicable development standards.

### **Sec. 8107-1.7.6 – JADU Requirements**

A *JADU* must comply with the following requirements:

**a. Number and Location:**

- (1) The subject *lot* is within one of the following single-family residential zones: R1; R2; RES; RPD; RA; RE; or RO.
- (2) One *JADU* is allowed per *lot*.
- (3) The *JADU* must be created within the walls of a proposed or existing *single-family dwelling*, including attached garages, which are considered within the walls of the existing *single-family dwelling*.
- (4) *Lots* with multiple detached *single-family dwellings* are not eligible to have a *JADU*.
- (5) A *JADU* is not allowed in a *multifamily dwelling*.
- (6) A *JADU* is not allowed in an accessory structure.

**b. Size:** The *JADU* shall not be larger than 500 square feet in total floor area.

**c. Kitchen:** The *JADU* must contain an efficiency *kitchen* that includes:

- (1) Cooking facility with appliances, and
- (2) A food preparation counter and storage cabinets.

**d. Entrance:** The *JADU* shall have a separate entrance from the main entrance to the proposed or existing *single-family dwelling*. An interior entry into the *single-family dwelling* is not required unless the *JADU* shares sanitation facilities with the *single-family dwelling*.

**e. Parking:**

- (1) When a *JADU* is created by the conversion of an attached garage, replacement parking for the primary residential structure is not required to be provided.
- (2) No parking is required for a *JADU*.

**f. Sanitation:** A *JADU* must either include separate sanitation facilities or share sanitation facilities with the *single-family dwelling*.

### **Sec. 8107-1.7.7 – ADU and JADU Application Processing and General Requirements**

**a. Ministerial Permit Approval:**

- (1) Permit applications for an *ADU* or *JADU* that meet the requirements of this Section 8107-1.7 shall be considered and approved ministerially without discretionary review or a hearing.
- (2) Except for deviations processed and granted in accordance with Section 8107-37.3 (Deviations for Cultural Heritage Sites) and Section 8111-9 (Reasonable Housing Accommodations), or as required by state law, no variance to the standards or requirements of this Chapter is available for an *ADU* or *JADU*.

**b. Type of Permit:**

- (1) Applications pursuant to Sections 8107-1.7.4 and 8107-1.7.6 shall be reviewed and approved with a building permit, if the applicable standards are met.
- (2) Applications pursuant to Section 8107-1.7.5 shall be reviewed and approved with a Zoning Clearance, if the applicable standards are met.

**c. When Demolition Permit Required:** A demolition permit for a detached garage that is to be replaced with an *ADU* shall be reviewed with the application for the *ADU* and issued at the same time.

**d. Nonconforming Zoning Violations:** Correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of an *ADU* shall not be a condition to ministerial approval of an *ADU* or *JADU* application.

**e. Rentals, Owner Occupancy and Transfers:**

- (1) Rentals: An *ADU* and *JADU* may each be rented separately from the primary residence.
- (2) Rental Term: All *ADUs* and *JADUs*, and any portion thereof, that are rented shall be rented for terms that are longer than 30 consecutive days.
- (3) Owner Occupancy
  - (a) Lot with ADU: For a *lot* with an *ADU*, the owner of the *lot* does not have to occupy the primary residence or *ADU*. However, if a *single-family dwelling* has an *ADU* and a *JADU*, then the owner must occupy either the *JADU* or the remaining portion of the *single-family dwelling* in accordance with Section 8107-1.7.7(d)(3)(b).
  - (b) Lot with JADU: At the time of application for a *JADU*, the owner of the *lot* must reside in the *single-family dwelling*. Upon completion of construction of the *JADU*, the owner must occupy either the remaining portion of the *single-family dwelling* or the *JADU*. For purposes of this Section 8107-1.7.7(d)(3)(b), owner includes a beneficial owner when the property is owned by a trust or legal entity. Owner-occupancy, however, is not required if the owner is a governmental agency, land trust, or housing organization.
- (4) Sales and Transfers: Except as provided in Government Code section 65852.26, an *ADU* may not be sold or otherwise conveyed separately from the primary residence. *JADUs* may not be sold or transferred separately from the *single-family dwelling*.

**f. Deed Restriction:**

- (1) For ADUs: Upon approval of an *ADU*, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:



- (a) Rentals of the ADU must be for a term that is longer than 30 consecutive days; and
  - (b) Except as provided in Government Code section 65852.26, the ADU may not be sold or otherwise conveyed separately from the primary residence.
- (2) For JADUs: Upon approval of a JADU, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:
- (a) Rentals of the JADU must be for a term that is longer than 30 consecutive days;
  - (b) A prohibition on the sale of the JADU separate from the sale of the *single-family dwelling*, including a statement that the deed restriction may be enforced against future purchasers; and
  - (c) A restriction on the size and attributes of the JADU that conforms with Section 8107-1.7.6 and Government Code section 65852.22.

**Article 7, Section 8107-37.3 – Range and Approval of Allowed Deviations within Section 8107-37 – Cultural Heritage Sites** of the Ventura County Ordinance Code is hereby amended to read as follows:

**Sec. 8107-37.3 – Range and Approval of Allowed Deviations**

To advance the purpose outlined in Sec. 8107-37.1, deviations from various standards and regulations of this chapter may be granted as part of a Planned Development permit. Deviations "a" and "k" may only be granted by the Planning Commission. All others may be granted by the Planning Director or their designee. (AM. ORD. 4282 - 5/20/03; AM. ORD. 4577 – 3/9/21 (grammar))

- a. Minimum Lot Area - Sec. 8103-0 (Purpose and Establishment of Zones and Minimum Lot Areas), Sec. 8103-1 et seq. (Establishment of Alternative Minimum Lot Area by Suffix), Sec. 8106-1.1 and Sec. 8106-1.2;
- b. Permit Approval Level - Sec. 8105-4 (Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage of significant historic structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- c. Permit Approval Level - Sec. 8105-5 (Permitted Uses in Commercial and Industrial Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage of structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- d. General Development Standards - Sec. 8106-1.1 (Development Standards for Uses and Structures in OS, AE, and R Zones); (AM. ORD. 4377 – 1/29/08)
- e. General Development Standards - Sec. 8106-1.2 (Development Standards for Uses and Structures in Commercial, Industrial, and Special Purpose Zones);

- f. Fences, Walls and Hedges - Sec. 8106-8.1 et seq.
- g. Accessory Dwelling Unit Standards - Sec. 8107-1.7 et seq. (*Accessory Dwelling Units and Junior Accessory Dwelling Units*); (AM. ORD. 4519-2/27/18)
- h. Parking Standards - Sec. 8108 et seq. (Parking and Loading Requirements); (AM. ORD. 4407 – 10/20/09)
- i. Landscaping Standards - Section 8106-8.2, Section 8108-5.14 and Section 8109-0.6 (Landscaping); (AM. ORD. 4407 – 10/20/09; AM. ORD. 4577 – 3/9/21)
- j. Signage - Sec. 8110-4a (Prohibited portable freestanding signs), Sec. 8110-4i (Prohibited Projecting Signs), Sec. 8110-5-2 et seq (Location); and
- k. Non-conforming Uses and Structures - Sec. 8113-5.2 (Uses Within Structures Subject to Amortization), Sec. 8113-5.2.1 (Expansion and Change of Use Prohibited), Sec. 8113-5.3 et seq (Uses Not Amortized), Sec. 8113-6.1 (Destruction, Uses Not Amortized), Sec. 8113-6.2 (Destruction, Uses Amortized), Sec. 8113-7 (Additional Use), Sec. 8113-8 (Use of Non-conforming Lots).

## Section 4

# ARTICLE 8:

## PARKING AND LOADING REQUIREMENTS

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**Article 8, Section 8108-4.7 – Table of Parking Space Requirements by Land Use** of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated residential land uses:

### **Sec. 8108-4.7 – Table of Parking Space Requirements by Land Use**

The table below indicates the number of required off-street motor vehicle and bicycle parking spaces that shall be provided for various land uses. For non-residential land uses, the number of motor vehicle parking spaces set forth in the table, plus or minus 10 percent of the total, represents the minimum required and the maximum allowed number of spaces, unless varied pursuant to Section 8108-4.8 below.

For residential land uses the number of motor vehicle parking spaces set forth in the table represents the minimum required number of spaces, unless varied pursuant to Section 8108-4.8 below. The number of motor vehicle parking spaces required in this section is intended to address the needs of residents, employees and regular users of an establishment. The number is not intended to reflect the need for parking large delivery trucks, vans or buses; storage of vehicle inventory; or other specialty parking needs related to the operation of specific land uses.

The Director has the authority to determine the parking space requirements for any land use not specifically listed based on the requirements for the most comparable land use.

LAND USE	MOTOR VEHICLE SPACES REQUIRED	BICYCLE SPACES REQUIRED
<b>RESIDENTIAL LAND USES</b>	<b>MINIMUM REQUIRED</b>	
Accessory Dwelling Units	1 covered/uncovered space (in addition to the spaces required for the primary dwelling unit)  No additional parking is required for accessory dwelling units that meet the provisions of Sec. 8107-1.7.4 or Sec. 8107-1.7.5(c)(1).	
Junior Accessory Dwelling Units	No parking is required for a Junior Accessory Dwelling Unit	
Single Family and Two-Family Dwellings <sup>1</sup>		
1-4 Bedrooms (per unit)	2 covered <sup>2</sup> spaces	
5 Bedrooms (per unit)	3 spaces (2 shall be covered <sup>2</sup> )	
6 or More Bedrooms (per unit)	4 spaces, (2 shall be covered <sup>2</sup> )	

<sup>1</sup> Pursuant to Sec. 8107-1.7.5(c)(3), when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces do not need to be replaced.

<sup>2</sup> Except that on parcels larger than 1 acre located in OS, AE, RA, RE, RO, and TP zones, parking may be uncovered.

## Section 5

### ARTICLE 11:

### ENTITLEMENTS – PROCESS AND PROCEDURES

**Article 11, Section 8111-7.6 – Accessory Dwelling Unit Procedures within Sec. 8111-7 - Appeals** of the Ventura County Ordinance Code is hereby amended to read as follows:

#### **Sec. 8111-7.6 - Accessory Dwelling Unit and Junior Accessory Dwelling Unit Procedures**

Notwithstanding any other provisions of this Article:

- a. No public hearings shall be conducted on applications for accessory dwelling units or junior accessory dwelling units under Sections 8105-4, 8107-1.7, and 8108-4.7. (AM. ORD. 4407 – 10/20/09)
- b. Decisions on accessory dwelling units and junior accessory dwelling units are final County decisions when rendered and are not subject to appeal.

**Section 6**

**ARTICLE 19:**

**SPECIFIC STANDARDS FOR AREA PLANS**

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**Article 19, Section 8119-1 – Old Town Saticoy Development Code** of the Ventura County Ordinance Code is hereby amended to address accessory dwelling units and junior accessory dwelling units as follows:

See following pages



PERMITTED USES IN OLD TOWN SATICOY, BY ZONE				
	TC	R/MU	RES	IND
<b>WAREHOUSING AND STORAGE, INDOOR ONLY</b>				PD
Building Materials, Movers' Equipment, etc.				PD
Ministorage, with or without RV Storage *				CUP
Warehousing and Storage, with outdoor storage				CUP
<b>WASTE HANDLING, WASTE DISPOSAL AND RECYCLING FACILITIES *</b>				
Recyclables Collection Centers*				ZC
Reuse Salvage Facilities (Indoor only)				CUP
Temporary Collection Activities *	ZC	ZC	ZC	ZC
Waste Collection And Processing Activities To Mitigate An Emergency *	ZC	Pursuant to Sec. 8107-36.3.12		ZC
<b>WASTEWATER/SEWAGE TREATMENT FACILITIES</b>				
Individual Sewage Disposal Systems				
On-Site Wastewater Treatment Facilities				
<b>WATER PRODUCTION, STORAGE, TRANSMISSION, AND DISTRIBUTION FACILITIES</b>				
4 Or Fewer Domestic Service Connections (Privately Operated)	ZC	ZC	ZC	ZC
5 Or More Domestic Service Connections (Privately Operated)	PD	PD	PD	PD
Well Drilling For Use Only On Lot Of Well Location	E	E	E	E
<b>WHOLESALE TRADE</b>				CUP
<b>B] ACCESSORY USES AND STRUCTURES</b>				
<b>ACCESSORY USES AND STRUCTURES</b>	ZC	ZC	ZC	ZC
Keeping of Animals				
Pet animals <i>Per Sec. 8107-2.4</i>	E	E	E	
Security animals ( <i>See Sec. 8107-2.4.4</i> )	E			E
More Animals Than Permitted	CUP			CUP
Youth projects *			ZC-W	
Dwellings:				
Buildings For Human Habitation:				
Live/Work Units	PD			
For Caretaker (with or without pets)				CUP
For Superintendent Or Owner	CUP	PD		CUP
Accessory Dwelling Unit (ADU)* (AM, ORD. 4519 - 2/27/18)		Pursuant to Sec. 8107-1.7		
Junior Accessory Dwelling Unit (JADU)*			Pursuant to Sec. 8107-1.7	

E = Exempt	PD = Planned Development Permit <sup>1</sup>	Not allowed	Exempt	Approved by Planning Director or Designee	Approved by Planning Commission	Approved by Board of Supervisors
ZC = Zoning Clearance <sup>1</sup>	CUP = Conditional Use Permit <sup>1</sup>					
ZC-W = Zoning Clearance with signed waivers <sup>1</sup>						

\* There are specific regulations for this use; see Article 7.

<sup>1</sup> Includes a review for conformance with the Old Town Saticoy Development Code.

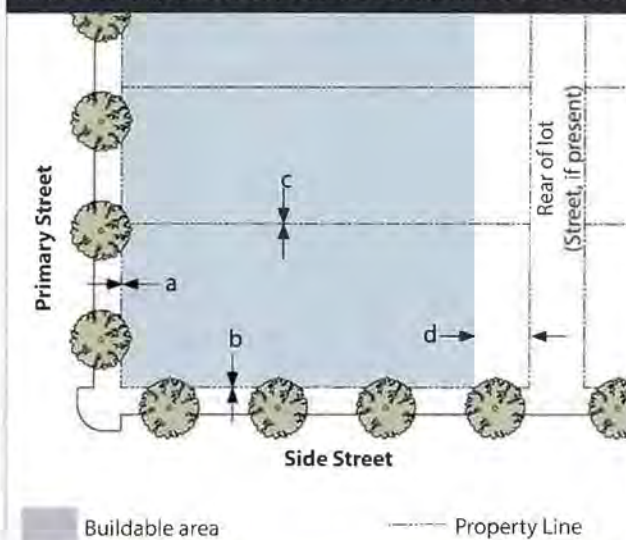


### Sec. 8119-1.3.2 - Residential/Mixed Use (R/MU) Zone

#### a. Building Placement

1. Buildings shall be located within the building site per [Table 1.3.2\(a\)](#) below. Setbacks are measured as per [Sec. 8106-4](#).
2. See [Sec. 8119-1.4](#) (Building Type Standards) for allowed building types, minimum and maximum lot width and depth dimensions, and applicable design requirements.
3. Corner lots along L.A. Avenue shall include ground-floor commercial retail facing L.A. Avenue.
4. See [Sec. 8119-1.8](#) for additional requirements.
5. Outdoor uses (such as dining) must be located within the property line.

**TABLE 1.3.2(a) BUILDING PLACEMENT STANDARDS**



PRIMARY BUILDING	MIN.	MAX.
<b>a</b> Primary Street Setback <sup>1</sup>	10 ft.	20 ft. <sup>2</sup>
<b>b</b> Side Street Setback <sup>1</sup>	5 ft.	15 ft. <sup>2</sup>
<b>c</b> Side Setback	5 ft.; 8 ft. for three story buildings	–
<b>d</b> Rear Setback	10 ft.	–

#### ACCESSORY BUILDING

Pursuant to [Sec. 8107-1.7](#), an accessory dwelling unit (ADU) shall be allowed on a lot zoned R/MU with an existing or proposed single-family or multifamily dwelling.<sup>3</sup> In all other instances, no detached habitable Accessory Buildings are allowed within the R/MU Zone. However, an attached habitable Accessory Dwelling for a Superintendent or Owner is allowed (See [Sec. 8119-1.4.10](#)).

[1] Primary or Side Street setbacks to be landscaped or paved as per [Sec. 8119-1.4.2\(e\)](#).

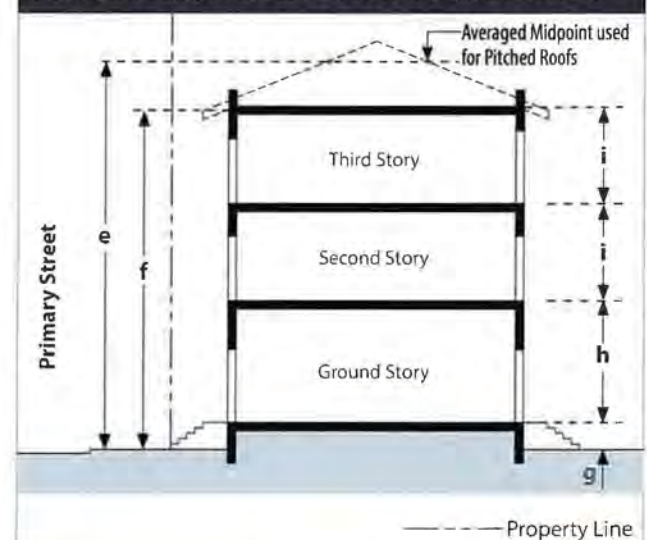
[2] Exceptions are available for outdoor uses (such as dining, landscaping, etc.)

[3] See [Sec. 8119-1.3.3\(a\) and \(b\)](#) for building placement and building profile standards for ADUs. (AM. ORD. 4519 - 2/27/18)

#### b. Building Profile

1. Building heights shall comply with the standards listed in [Table 1.3.2\(b\)](#), and are measured as per [Sec. 8119-1.8.2](#). Floor heights are measured floor to floor.
2. The maximum height of buildings with flat roofs shall include parapets and roof decks.
3. Chimneys and other architectural features may project beyond the maximum building height as allowed by the California Building Code and [Sec. 8106-7](#).

**TABLE 1.3.2(b) BUILDING PROFILE STANDARDS**



PRIMARY BUILDING	MIN.	MAX.
<b>e</b> Building height (stories)	1	3
Building height (ft.) for pitched roofs	–	50
Building height (ft.) for flat roofs	–	45
<b>f</b> Building height (ft.) to top-of-plate	16	40
<b>g</b> Ground floor level above sidewalk (ft.)		
Nonresidential	0	2
Residential	0	2
<b>h</b> Ground story floor to floor height (ft.)		
Nonresidential	12	30
Residential	12	20
<b>i</b> Upper story floor to floor height (ft.)	10	15

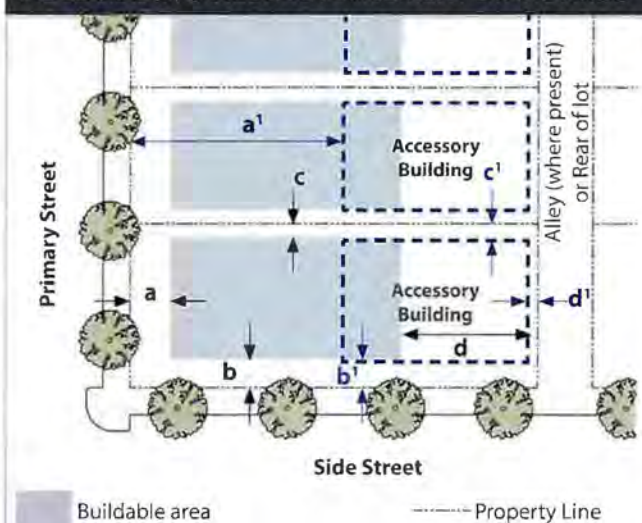
#### ACCESSORY BUILDING

The height of the attached Accessory Buildings shall not exceed the height of the *Primary Building*. For ADUs, however, the maximum building height shall be pursuant to [Sec. 8107-1.7](#).



**Sec. 8119-1.3.3 - Residential (RES) Zone****a. Building Placement** (AM. ORD. 4519 - 2/27/18)

- Buildings, Accessory Dwelling units (ADU) pursuant to Sec. 8107-1.7.5, and other habitable/non-habitable accessory buildings shall be located within the building site per [Table 1.3.3\(a\)](#) below, except that setbacks for ADUs shall be consistent with Sec. 8107-1.7.5. Setbacks are measured as per Sec. 8106-4.
- See [Sec. 8119-1.4](#) (Building Type Standards) for allowed building types, minimum and maximum lot width and depth dimensions, and applicable design requirements.
- See [Sec. 8119-1.8](#) for additional requirements.
- For all other applicable standards regarding ADUs, see Sec. 8107-1.7.

**TABLE 1.3.3(a) BUILDING PLACEMENT STANDARDS**

PRIMARY BUILDING		MIN.	MAX.
<b>a</b>	Primary Street Setback <sup>1</sup>	15 ft. or prevailing setback for block length	20 ft.
<b>b</b>	Side Street Setback <sup>1</sup>	10 ft.	—
<b>c</b>	Side Setback	5 ft.	—
<b>d</b>	Rear Setback	10 ft.	—
ACCESSORY BUILDING		MIN.	MAX.
<b>a¹</b>	Primary Street Setback <sup>1</sup>	Locate on Rear 40% of lot	
<b>b¹</b>	Side Street Setback <sup>1, 3</sup>	10 ft.	—
<b>c¹</b>	Side Setback <sup>2, 3</sup>	5 ft.	—
<b>d¹</b>	Rear Setback <sup>2, 3</sup>	5 ft.	—

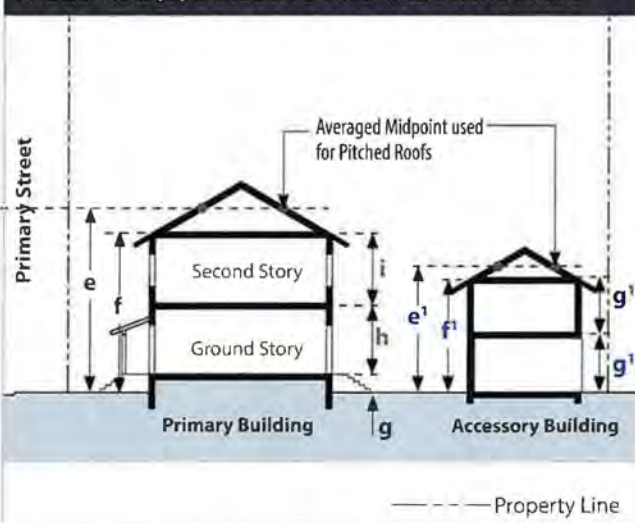
[1] Primary and Side Street setbacks shall be landscaped.

[2] An exception is allowed for non-habitable accessory buildings where the minimum side and rear setback can be 3 ft. (Per Sec. 8106-5.1).

[3] Minimum setbacks for ADUs shall be pursuant to Sec. 8107-1.7.

**b. Building Profile** (AM. ORD. 4519 - 2/27/18)

- Building heights shall comply with the standards listed in [Table 1.3.3\(b\)](#) below and are measured as per [Sec. 8119-1.8.2](#). Floor heights are measured floor to floor.
- The maximum height of buildings with flat roofs shall include parapets and roof decks.
- Chimneys and other architectural features may project beyond the maximum building height as allowed by the California Building Code and Sec. 8106-7.

**TABLE 1.3.3(b) BUILDING PROFILE STANDARDS**

PRIMARY BUILDING		MIN.	MAX.
<b>e</b>	Building height (stories)	1	2
	Building height (ft.)	—	35
<b>f</b>	Height to top-of-plate (ft.)	—	25
<b>g</b>	Ground floor level above sidewalk (ft.)	0	3
<b>h</b>	Ground story height (ft.)	9	12
<b>i</b>	Upper story height (ft.)	9	12
ACCESSORY BUILDING		MIN.	MAX.
<b>e¹</b>	Building height (stories)	1	2¹
	Building height (ft.) <sup>2, 3</sup>	—	25
<b>f¹</b>	Height to top-of-plate (ft.)	—	20
<b>g¹</b>	Floor height (ft.)	9	10

[1] Only allowed if it is: (a) a 2-story ADU, or (b) an ADU located over a non-habitable accessory building.

[2] Building height of Accessory Building shall not exceed the height of the Primary Building.

[3] Maximum building height for ADUs shall be pursuant to Sec. 8107-1.7.

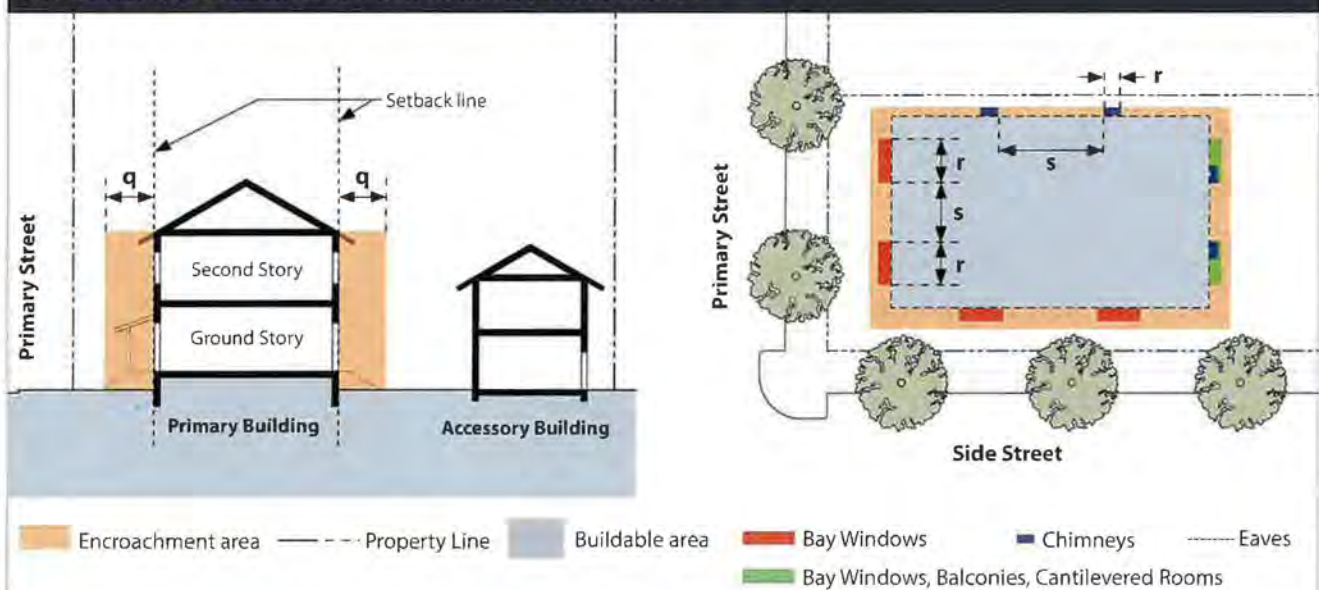


### Sec. 8119-1.3.3 - Residential (RES) Zone (contd.)

#### e. Building Encroachments

1. Permitted *frontage* types per [Sec. 8119-1.5](#) (Frontage Type Standards) may encroach into setbacks as identified in [Table 1.3.3\(e\)](#) below.
2. Architectural elements, including bay windows, balconies (covered or uncovered), chimneys, eaves, and signage may encroach into setbacks as identified in [Table 1.3.3\(e\)](#) below. As part of the main building, cantilevered rooms are also allowed to encroach.
3. No encroachments shall be permitted within the public right-of-way.
4. Maximum dimensions of architectural elements, including bay windows, balconies (covered or uncovered), cantilevered rooms, chimneys, and eaves are indicated in [Table 1.3.3\(e\)](#) below. See [Sec. 8119-1.5](#) (Frontage Type Standards) for dimensions of allowed *frontage* types and [Sec. 8119-1.6](#) (Signage Standards) for dimensions of allowed signage types.
5. See following sections for allowances; Sec. 8106-5 for fire escapes and open unenclosed stairways (Sec. 8106-5.6); depressed ramps (Sec. 8106-5.8); uncovered, unenclosed landing and porches (Sec. 8106-5.9); and decks (Sec. 8106-5.10).

**TABLE 1.3.3(e) BUILDING ENCROACHMENT STANDARDS**



#### BUILDING ENCROACHMENT STANDARDS

ENCROACHMENT TYPE	MAXIMUM ENCROACHMENT (q)				MAX. LENGTH		MIN. DISTANCE BETWEEN ENCROACHMENTS (s)
	FRONT	SIDE STREET	SIDE YARD	REAR YARD	PER INDIVIDUAL ENCROACHMENT (r)	ALL ENCROACHMENTS COMBINED	
Bay Windows <sup>1</sup>	3 ft.	3 ft.	0 ft.	3 ft.	12 ft.	20 ft. or 45% of façade length, whichever is greater	8 ft.
Balconies <sup>2</sup>	3 ft.	3 ft.	0 ft.	3 ft.			
Cantilevered rooms <sup>2</sup>	0 ft.	0 ft.	0 ft.	2 ft.			
Chimneys	2 ft.	2 ft.	2 ft.	2 ft.	4 ft.	16 ft.	8 ft.
Eaves	2 ft. <sup>3</sup>	2 ft. <sup>3</sup>	2 ft.	2 ft. <sup>3</sup>	n/a	100% of façade length	n/a
Porch, Stoop	5 ft.	5 ft.	2 ft.	2 ft.	See <a href="#">Sec. 8119-1.5.4</a> and <a href="#">Sec. 8119-1.5.5</a>		

[1] Bay windows are allowed only on the ground floor.

[2] Balconies and cantilevered rooms are allowed only on second floor.

[3] Eaves may encroach up to 5 feet into front, rear and side street setback when extending from a bay window, covered balcony, or cantilevered room.



## Sec. 8119-1.4 - Building Type Standards

### Sec. 8119-1.4.1 - Allowable Building Types by Zone

A parcel may only be developed with a building type allowed by this Section. Allowable building types for each zone in Old Town Saticoy are shown in [Table 1.4.1](#) below. Section references in the table indicate the location for Building Type standards.

TABLE 1.4.1. ALLOWED BUILDING TYPES BY ZONE				
BUILDING TYPES	ZONE			
	TC	R/MU	RES	IND
Commercial/Mixed-Use Building	Sec. 8119-1.4.3	Sec. 8119-1.4.3		Sec. 8119-1.4.3
Courtyard Building	Sec. 8119-1.4.4	Sec. 8119-1.4.4		
Townhouse		Sec. 8119-1.4.5		
Small Apartment Building		Sec. 8119-1.4.6		
Triplex and Quadplex		Sec. 8119-1.4.7	Sec. 8119-1.4.7	
Single-Family House and Duplex		Sec. 8119-1.4.8 <sup>2</sup>	Sec. 8119-1.4.8	
Industrial Building				Sec. 8119-1.4.9
Accessory Dwellings (habitable) <sup>1</sup>	Sec. 8119-1.4.10	Sec. 8119-1.4.10	Sec. 8119-1.4.10	Sec. 8119-1.4.10
Accessory Structures (non-habitable)			Sec. 8119-1.4.11	

[1] There are several types of accessory, habitable buildings:

- Accessory Dwelling Units, which are allowed in the R/MU and RES zones, and Junior Accessory Dwelling Units, which are allowed in the RES zone, pursuant to Sec. 8107-1.7 (AM. ORD. 4519 - 2/27/18), and
- Caretaker dwelling units and those for Superintendent/Owner, which are allowed in the TC, R/MU, and IND zones.

[2] Duplexes are allowed in the R/MU zone when only a 3/4" water meter is available.

### Sec. 8119-1.4.2 - Requirements for all Building Types

See [Sec. 8119-1.4.3 through Sec. 8119-1.4.11](#) for detailed Building Type standards.

#### a. Building Size, Massing and Materials

All *Principal* and *Secondary* uses shall be conducted within a completely enclosed building, unless the use is specifically identified as an outdoor use or is one which must be located outdoors in order to function.

1. **Corner Lots:** When a building is located on a corner lot, the *Primary* and *Side Street* façades shall utilize the same materials and finishes.
2. **Street-Facing Façades:** In order to ensure that building size and massing is consistent with the small-town character of Old Town Saticoy:
  - i. The length of *façade* shall be limited to the standards in [Tables 1.4.3. through 1.4.11](#).
  - ii. If the *façade* length exceeds 100 feet, the *façade* shall be visually broken up into multiple vertical segments (Also see [Sec. 8119-1.4.2\(a\)\(3\). Building Façades](#)).



Example of a commercial building that breaks a long façade into multiple vertical segments.



### Sec. 8119-1.4.8 - Single-Family House and Duplex

Single-Family Houses and Duplexes are “house-form” buildings that are surrounded on all four sides by setbacks (front yard, side yards, rear yard). Single-Family Houses contain only one unit. Duplexes contain two dwelling units, which can be organized side-by-side or vertically (top/bottom units). On-site open space is provided by a rear yard. All Single-Family and Duplex Buildings shall meet the standards listed in [Table 1.4.8](#).

Habitable and non-habitable Accessory Structures such as accessory dwelling units, garages, and storage rooms may be located on a single-family lot or a multifamily lot per the requirements of [Tables 1.3.3\(a\) to 1.3.3\(e\)](#), and Sec. 8107-1.7. For Building Type Standards for habitable and non-habitable Accessory structures, see [Sec. 8119-1.4.10 and Sec. 8119-1.4.11](#)). For additional Accessory Dwelling Unit and Junior Accessory Dwelling Unit requirements, see Sec. 8107-1.7.

(AM. ORD. 4519 - 2/27/18)



Single-Family House (left) and Duplex (right) Building Types with detached garages shown in back yard along alleyway.



Illustrative Photo of Single-Family House



Illustrative Photo of Single-Family or Duplex dwelling



### Sec. 8119-1.4.10 - Accessory Dwellings (and other habitable structures)

(AM. ORD. 4507/4509 - 3/14/17 (expired 3/14/18);  
AM. ORD. 4519 - 2/27/18)

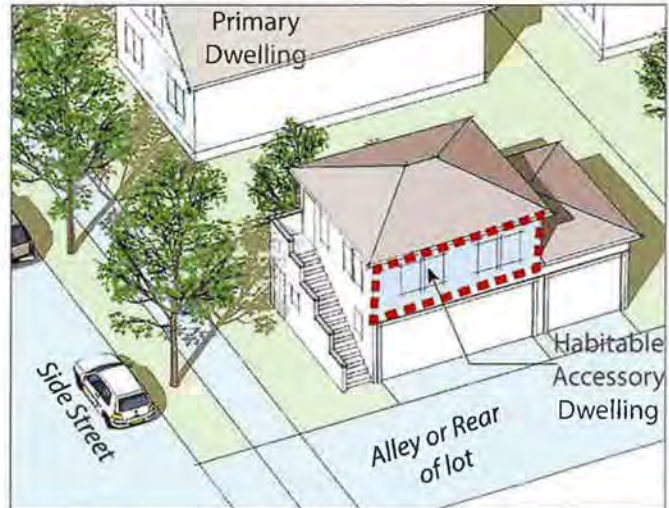
Accessory dwellings share the lot with a single-family or multifamily dwelling (or other *principal use*), and shall be smaller than the *principal* dwelling and located at the rear of the lot (See [Table 1.3.3\(a\)](#)) in one of the following configurations:

**a. Accessory Dwellings:**

These types of dwellings include, but are not limited to, Accessory Dwelling Units (ADUs) in the R/MU and RES zones, Junior Accessory Dwelling Units (JADUs) in the RES zone, and *live/work units*, Caretakers Dwelling units, or units for Superintendent or Owner (as permitted by [Sec. 8119-1.2](#)) in the TC, R/MU and IND zones. In general, these units include sanitation facilities (i.e. toilet, and shower or bathtub) or a kitchen, or both, and can be attached to the *principal* dwelling or a garage, but cannot have internal access to the *principal* dwelling or garage. Apply Sec. 8107-1.7 for all other requirements related to ADUs and JADUs.

**b. Other habitable accessory structures:**

An attached or detached habitable dwelling located above or beside a non-habitable accessory building (such as garage, or storage shed). Uses for these structures include, but are not limited to, artists studios, workshops and workout rooms. This type of structure shall not include bathing facilities or kitchens, and has no internal access to the *principal use*. Habitable accessory structures are not intended as dwelling units.



A habitable Accessory Dwelling Type configured as an accessory dwelling unit on top of a garage, detached from the primary building.

Multiple habitable accessory structures are allowed on one lot, but can include only the number of ADUs and JADUs as specified in Sec. 8107-1.7. All structures shall comply with all pertaining zone standards (setbacks, lot coverage, etc). All Accessory Buildings shall meet the standards listed in [Table 1.4.10](#).



Illustrative Photo of a habitable Accessory Dwelling unit located over a garage (a two-story configuration).



Illustrative Photo of a habitable Accessory Dwelling located behind the principal dwelling (a one-story configuration).



**TABLE 1.4.10. ACCESSORY DWELLINGS (AND OTHER HABITABLE STRUCTURES)**

STANDARD	ZONE			
	TC	R/MU	RES	IND
1. LOT SIZE <sup>3</sup>				
A. Width	50 ft. min.			
B. Depth	100 ft. min.			
C. Min. Lot Size (SF)	As determined by the PD or CUP for the use on site		n/a	As determined by the PD or CUP for the use on site
2. BUILDING SIZE AND MASSING <sup>3</sup>				
A. Height (max.)	1 story / 15 ft.	1 story / 15 ft.	2 stories / 25 ft. ; 1 story / 15 ft.	1 story / 15 ft.
B. Length along alley	30 ft. max.	n/a	30 ft. max.	n/a
C. Length along side yard	20 ft. max.			
D. Building and Unit size for Accessory Dwellings (SF) <sup>1,2</sup>	Caretakers, and Superintendent/Owners: 700 SF max. building footprint; Dwelling size: 400 SF min. to 700 SF max		n/a	Same as TC and R/MU
3. PEDESTRIAN ACCESS FROM PRIMARY OR SIDE STREET				
A. Internal lots	Side yard connected to a Primary Street; or rear yard connected to an alley	Side yard connected to a Primary Street	Side yard connected to a Primary Street; or rear yard connected to an alley	Side yard connected to a Primary Street
B. Corner lots	From Side street, required			
4. PARKING ACCESS <sup>4</sup>				
A. Lot with alley	From alley	n/a	From alley	n/a
B. Corner lot without alley	Min. 12 ft. wide driveway connected to a Side Street			
C. Internal lot without alley	Min. 12 ft. wide driveway connected to a Primary Street, located as close to side yard property line as possible.			
5. PARKING TYPE				
A. Type	Surface lot, garage, carport, or open			
6. OPEN SPACE AND LANDSCAPE				
A. Side Street Setbacks	Landscaping required in Side Street setback			
B. Private Open Space	n/a	<ul style="list-style-type: none"><li>Ground floor units: Rear/side yard; min. size: 80 SF.</li><li>Balcony (for 2nd story unit only): min. size: 40 SF with min. dimensions 5 ft. x 8 ft.</li></ul>		n/a
C. Common Open Space	10 ft. min. width along rear or side yard facing accessory structure			
7. FRONTAGE				
A. Ground Floor	No frontage type required (may include Stoop in RES zone - See <a href="#">Sec. 8119-1.5.4</a> ); Street- and alley-facing windows required.			
B. Upper Floors	Street- and alley-facing windows required			

[1] Refers to Gross Floor Area.

[2] Multiple accessory structures are allowed on one lot, but shall not exceed a cumulative gross floor area of 2,000 SF, except for ADUs allowed pursuant to Sec. 8107-1.7. This may include a combination of structures identified in [Sec. 8119-1.4.10\(b\)](#) and [Sec. 8119-1.4.11](#). See Sec. 8107-1.7 for the maximum allowable number and unit size for ADUs and JADUs per lot.

[3] These lot size, building size and massing requirements do not apply to ADUs. See Section 8107-1.7.

[4] Driveway standards may be adjusted as per requirements of the Ventura County Fire Prevention District.



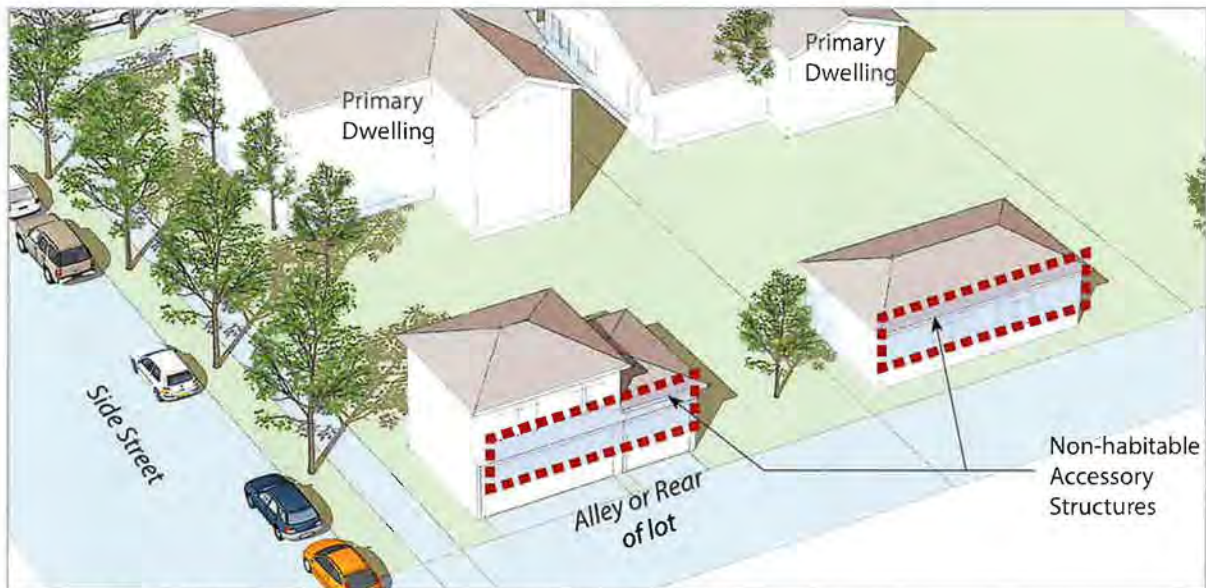
### Sec. 8119-1.4.11 - Accessory Structure (Non-habitable)

(AM. ORD. 4519 - 2/27/18)

Accessory Structures which are non-habitable include separate buildings that share a lot with a street-facing single-family house, duplex, *triplex* or *quadplex*. These Accessory Structures are one-story and include a detached garage, storage shed, or similar uses. Non-habitable accessory structures must be smaller than the *principal* dwelling and are located at the rear of the lot.

All non-habitable Accessory Structures shall meet the standards listed in [Table 1.4.11](#).

*Note: An accessory dwelling unit may be located above or beside a garage, as long as there is no internal access. (Refer to Sec. 8107-1.7.5(i))*



A non-habitable Accessory Building Type configured as the following:

(on left): as a garage, detached from the primary building, with a habitable accessory dwelling unit located on top; and  
(on right) as a single-story detached structure such as a garage, workshop, storage shed, etc.



*Illustrative Photo of a ground-floor non-habitable garage, configured with a habitable accessory unit above it with no internal access and detached from the principal dwelling.*



*Illustrative Photo of a one-story non-habitable Accessory Structure (storage shed) located behind the principal dwelling.*

### Section 7

If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Ventura County Board of Supervisors hereby declares that it would have passed and adopted this ordinance, and each and all provisions hereof, irrespective of the fact that any one or more provisions may be deemed invalid or unconstitutional.

### Section 8

This ordinance shall become effective and operative 30 days after adoption.

PASSED AND ADOPTED this 7 day of February, 2023, by the following vote:

AYES: Supervisors Gorell, Long, Parvin, Lopez, LaYere

NOES: Supervisors none

ABSENT: Supervisors none

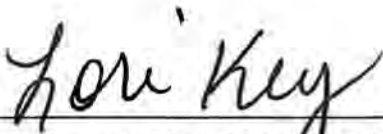
  
\_\_\_\_\_  
CHAIR, BOARD OF SUPERVISORS

ATTEST:

DR. SEVET JOHNSON

Clerk of the Board of Supervisors

County of Ventura, State of California

By   
\_\_\_\_\_  
Deputy Clerk of the Board



# EXHIBIT 7

Comment letter from HCD, received  
September 9, 2023, in response to  
the County's submittal of the Adopted  
Ord. No. 4615 for ADUs and JADUs

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL24-0014)

County of Ventura  
Planning Commission Hearing  
Case No. PL20-0023  
Exhibit 7 – Comment Letter from HCD,  
received September 9, 2023

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

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



September 5, 2023

Ruchita Kadakia, Planning Manager  
Planning Division  
County of Ventura  
800 S. Victoria Ave., L #1740  
Ventura, CA 93009

Dear Ruchita Kadakia:

**RE: Review of Ventura County's Accessory Dwelling Unit (ADU) Ordinance under  
State ADU Law (Gov. Code, § 65852.2)**

Thank you for submitting the County of Ventura (County) accessory dwelling unit (ADU) Ordinance No. 4615 (Ordinance), adopted February 7, 2023, 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 65852.2, subdivision (h). HCD finds that the Ordinance does not comply with section 65852.2 in the manner noted below. Under that statute, the County has up to 30 days to respond to these findings. Accordingly, the County must provide a written response to these findings no later than October 5, 2023.

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

- Section 8107-1.7.2 – *Citations* – The Ordinance incorrectly cites state statute in their definitions for “Passageway,” “Proposed Dwelling,” “Public Transit,” and “Tandem Parking.” Passageways are defined in Government Code section 65852.2, subdivision (j)(8); proposed dwellings are defined in subdivision (j)(10); public transit is defined in subdivision (j)(11); and tandem parking is defined in subdivision (j)(12). The County must amend the Ordinance accordingly.
- Section 8017-1.7.4 (a)(1) and (b)(1) – *JADUs and Zoning* – The Ordinance lists zones where ADUs and JADUs may be created. This list includes RPD and CPD/CBD, neither of which permit the development of single-family dwellings. Government Code section 65852.22, subdivision (a)(1), provides for the creation of JADUs in areas “zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.” Therefore, JADUs may not be allowed in the RPD, CPD/CBD, or any other zone that does not allow single-family dwelling development. The County must amend the Ordinance to comply with State ADU Law.

- Section 8107-1.7.4 (b), 8107-1.7.5 (b) – *ADU Allowance* – The Ordinance states that a new detached ADU “may be combined with a JADU if all the following standards are met....” This implies that the unit combination of a converted ADU and a new detached ADU are not allowed. It later states, “Each lot may have one ADU if the standards of this Section 8107-1.5 (b) are met, and one JADU if the standards of this Section 8107-1.5 (b) are met.” This limits allowable ADU combinations to one ADU and one JADU.

However, Government Code section 65852.2, subdivision (e)(1), states, “Notwithstanding subdivisions (a) to (d), 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: (A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling...(i) 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.” Subparagraph (B) permits “One 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 an enumeration of by right ADU types permitted indicate 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. HCD notes that the Legislature, in creating the list, did not use “or” or “one of” to indicate only one or another would be applicable to the exclusion of the other. This subdivision applies equally to ADUs created pursuant to Government Code section 65852.2, subdivisions (e)(1)(C) and (D), on lots with proposed or existing multifamily dwellings. Limiting single-family lots to one ADU would prevent property owners from creating ADUs by right under subdivision (e)(1). The County must revise the Ordinance to remove this restriction.

- Section 8107-1.7.4 (d)(3) – *Detached Size Maximum* – The Ordinance states that “new construction ADUs shall not exceed 1,200 square feet.” However, there are no size maximums stated in Government Code section 65852.2, subdivision (e)(1)(D). Subdivision (e)(1)(D) requires that ADUs created in multifamily developments pursuant to this subdivision only meet the height requirements prescribed in subdivision (c)(2)(D), be detached from the multifamily structure, and meet four-foot side and rear yard setbacks. No additional standards are required. The local design standards provided by the Ordinance pursuant to Government Code section 65852.2, subdivisions (a) through (d), may not preclude a unit built subject to subdivision (e). Therefore, a unit subject to subdivision (e)(1)(D) may not be subject to a maximum size. The County must remove this section.
- Section 8107-1.7.4 (d)(5) – *Detachment Requirement* – The Ordinance states that detached units “must be detached from the existing or proposed multifamily



dwelling and from other accessory structures.” However, Government Code section 65852.2, subdivision (e)(1)(D), only requires that such units are “detached from that multifamily dwelling....” The subdivision does not require that the ADU be detached from other accessory structures; therefore, the section, as written, is more stringent than State ADU Law. The County must remove the phrase “and from other accessory structures.”

- Section 8107-1.7.5 (h)(3) – *Converted Size Maximums* – The Ordinance requires that ADUs within converted spaces “[do] not exceed the size maximums for attached or detached ADUs....” ADUs that are created from existing space of single-family dwellings are created pursuant to Government Code section 65852.2, subdivision (e). Local design standards provided by the Ordinance pursuant to subdivisions (a) through (d) may not preclude a unit built subject to subdivision (e). Therefore, no size maximums may apply to any converted unit, whether within the primary dwelling or an accessory structure. The County must remove this reference.
- Section 8107-1.7.5 (i)(1) – *Design Requirements* – The Ordinance states, “No accessory structure shall be attached to a detached ADU unless the combined total floor area... does not exceed the allowable size.” However, adjacency to an accessory structure is a local design requirement that may not preclude units subject to Government Code section 65852.2, subdivision (e). Therefore, the County must note the exceptions or remove this section.
- Section 8107-1.7.6 (a)(4) – *JADUs with Multi Single Family Homes* – The Ordinance states, “Lots with multiple detached single-family dwellings are not eligible to have a JADU.” However, Government Code section 65852.22, subdivision (a)(1), limits “the number of junior accessory dwelling units to one **per residential lot zoned for single-family residences** with a single-family residence built, or proposed to be built, on the lot.” (Emphasis added.) Therefore, if the lots are zoned for the development of single-family residences, one JADU may be permitted on a lot with multiple detached single-family dwellings. Please note that this is one JADU per *lot*, not per single-family home on such a lot. The County must amend the Ordinance to comply with statute.
- Section 8107-1.7.7(b)(2) – *Zoning Clearance* – The Ordinance requires a “ministerial Zoning Clearance” if a proposed ADU does not meet the standards of Section 8107-1.7.4. However, Government Code section 65852.2, subdivision (c)(2)(C), prohibits “[a]ny requirement for a **zoning clearance** or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.” (Emphasis added.) The County must amend the Ordinance and remove the zoning clearance requirement.

- Section 8119-1.3.3 (a) – *Placement* – The Ordinance states, “Buildings, Accessory Dwelling units (ADU) pursuant to Sec. 8107-1.7.5, and other habitable/non-habitable accessory buildings shall be located within the building site per Table 1.3.3(a) below.” Table 1.3.3(a) allows ADU placement exclusively in the rear of any primary dwelling. However, Government Code section 65852.2, subdivision (c)(2)(C), prohibits “[a]ny requirement for a zoning clearance or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, **front setbacks**, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with **four-foot side and rear yard setbacks** to be constructed in compliance with all other local development standards.” (Emphasis added.) Therefore, the Ordinance may not preclude an 800 square-foot unit subject to all other local design standards, and the attached or detached ADU may be located, partially or completely, in the front setback.

In response to the findings in this letter, and pursuant to Government Code section 65852.2, subdivision (h)(2)(B), the County must either amend the Ordinance to comply with State ADU Law or adopt the Ordinance without changes. Should the County choose to adopt the Ordinance without the changes specified by HCD, the County must include findings in its resolution that explain the reasons the County finds that the Ordinance complies with State ADU Law despite the findings made by HCD. Accordingly, the County’s response should provide a plan and timeline to bring the Ordinance into compliance.

Please note that, pursuant to Government Code section 65852.2, subdivision (h)(3)(A), if the County fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD may notify the County and the California Office of the Attorney General that the County is in violation of State ADU Law.

HCD appreciates the County’s efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the County in fully complying with State ADU Law. Please contact Mike Van Gorder, of our staff, at (916) 776-7541 or at [mike.vangorder@hcd.ca.gov](mailto:mike.vangorder@hcd.ca.gov) if you have any questions or would like HCD’s technical assistance in these matters.

Sincerely,



David Zisser  
Assistant Deputy Director  
Local Government Relations and Accountability

# EXHIBIT 8

ADU and JADU Laws (Government  
Code sections 65852.2 and  
65852.22), last updated January 1,  
2024

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL24-0014)

County of Ventura  
Planning Commission Hearing  
Case No. PL24-0014  
Exhibit 8 - ADU and JADU Laws  
(Government Code sections 65852.2  
and 65852.22), last updated Jan 1, 2024

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Proposed Legislation

West's Annotated California Codes  
Government Code (Refs & Annos)  
Title 7. Planning and Land Use (Refs & Annos)  
Division 1. Planning and Zoning (Refs & Annos)  
Chapter 4. Zoning Regulations (Refs & Annos)  
Article 2. Adoption of Regulations (Refs & Annos)

West's Ann.Cal.Gov.Code § 65852.2

§ 65852.2. Accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use; creation by ordinance

Effective: January 1, 2024

[Currentness](#)

(a)(1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B)(i) Impose objective standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) Except as provided in [Section 65852.26](#) and paragraph (10) of this subdivision, an accessory dwelling unit may be rented separate from the primary residence, but shall not be sold or otherwise conveyed separate from the primary residence.

- (ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.
- (iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.
- (iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.
- (v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
- (vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
- (vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
- (viii) Local building code requirements that apply to detached dwellings, except that the construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency of the local agency makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. Nothing in this clause shall be interpreted to prevent a local agency from changing the occupancy code of a space that was uninhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this section.
- (ix) Approval by the local health officer where a private sewage disposal system is being used, if required.
- (x)(I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
- (II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency 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.
- (III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).
- (xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3)(A) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding [Section 65901](#) or [65906](#) or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create the new single-family or multifamily dwelling, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(B) If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subparagraph (A), the permitting agency shall, within the time period described in subparagraph (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.

(4) The ordinance shall require that a demolition permit for a detached garage that is to be replaced with an accessory dwelling unit be reviewed with the application for the accessory dwelling unit and issued at the same time.

(5) The ordinance shall not require, and the applicant shall not be otherwise required, to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

(6) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.



(7) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(8) This subdivision establishes the maximum standards that local agencies 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 this subdivision, 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.

(9) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(10) In addition to the requirement that a local agency allow the separate sale or conveyance of an accessory dwelling unit pursuant to [Section 65852.26](#), a local agency may also adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and accessory dwelling unit or units as condominiums. Any such ordinance shall include all of the following requirements:

(A) The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act ([Part 5 \(commencing with Section 4000\)](#) of Division 4 of the Civil Code).

(B) The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with [Section 66410](#))) and all objective requirements of a local subdivision ordinance.

(C) Before recordation of the condominium plan, a safety inspection of the accessory dwelling unit shall be conducted as evidenced either through a certificate of occupancy from the local agency or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

(D)(i) Neither a subdivision map nor a condominium plan shall be recorded with the county recorder in the county where the real property is located without each lienholder's consent. The following shall apply to the consent of a lienholder:

(I) A lienholder may refuse to give consent.

(II) A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.

(ii) Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows:

“(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have.”

(iii) The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:

(I) The lienholder's signature.

(II) The name of the record owner or ground lessee.

(III) The legal description of the real property.

(IV) The identities of all parties with an interest in the real property as reflected in the real property records.

(iv) The lienholder's consent shall be recorded in the office of the county recorder of the county in which the real property is located.

(E) The local agency shall include the following notice to consumers on any accessory dwelling or junior accessory dwelling unit submittal checklist or public information issued describing requirements and permitting for accessory dwelling units, including as standard condition of any accessory dwelling unit building permit or condominium plan approval:

“NOTICE: If you are considering establishing your primary dwelling unit and accessory dwelling unit as a condominium, please ensure that your building permitting agency allows this practice. If you decide to establish your primary dwelling unit and accessory dwelling unit as a condominium, your condominium plan or any future modifications to the condominium plan must be recorded with the County Recorder. Prior to recordation or modification of your subdivision map and condominium plan, any lienholder with a lien on your title must provide a form of written consent either on the condominium plan, or on the lienholder's consent form attached to the condominium plan, with text that clearly states that the lender approves recordation of the condominium plan and that you have satisfied their terms and conditions, if any.

In order to secure lender consent, you may be required to follow additional lender requirements, which may include, but are not limited to, one or more of the following:

(a) Paying off your current lender.

You may pay off your mortgage and any liens through a refinance or a new loan. Be aware that refinancing or using a new loan may result in changes to your interest rate or tax basis. Also, be aware that any subsequent modification to your subdivision map or condominium plan must also be consented to by your lender, which consent may be denied.

(b) Securing your lender's approval of a modification to their loan collateral due to the change of your current property legal description into one or more condominium parcels.

(c) Securing your lender's consent to the details of any construction loan or ground lease.

This may include a copy of the improvement contract entered in good faith with a licensed contractor, evidence that the record owner or ground lessee has the funds to complete the work, and a signed statement made by the record owner or ground lessor that the information in the consent above is true and correct.”

(F) If an accessory dwelling unit is established as a condominium, the local government shall require the homeowner to notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.

(G)(i) The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in [Section 4080 of the Civil Code](#), shall not record a condominium plan to create a common interest development under [Section 4100 of the Civil Code](#) without the express written authorization by the existing association.

(ii) For purposes of this subparagraph, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in [Section 4090 of the Civil Code](#), and if needed pursuant to the existing association's governing documents, membership approval of the existing association.

(H) An accessory dwelling unit shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this paragraph or pursuant to [Section 65852.26](#).

(11) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b)(1) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create or serve an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create or serve a new single-family or multifamily dwelling on the lot, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create or serve the new single-family or multifamily dwelling, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(2) If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to paragraph (1), the permitting agency shall, within the time period described in paragraph (1), 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.

(c)(1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any requirement for a zoning clearance or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(D) Any height limitation that does not allow at least the following, as applicable:

(i) A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.

(ii) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in [Section 21155 of the Public Resources Code](#). A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

(iii) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

(iv) A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require a local agency to allow an accessory dwelling unit to exceed two stories.

(d) Notwithstanding any other law, and whether or not the local agency has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), all of the following shall apply:

(1) The local agency shall not impose any parking standards for an accessory dwelling unit in any of the following instances:

(A) Where the accessory dwelling unit is located within one-half mile walking distance of public transit.

(B) Where the accessory dwelling unit is located within an architecturally and historically significant historic district.

(C) Where the accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(D) When onstreet parking permits are required but not offered to the occupant of the accessory dwelling unit.

(E) When there is a car share vehicle located within one block of the accessory dwelling unit.

(F) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this paragraph.

(2) The local agency shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

(e)(1) Notwithstanding subdivisions (a) to (d), 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:

(A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) 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 and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of [Section 65852.22](#).

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation as provided in clause (i), (ii), or (iii) as applicable, of subparagraph (D) of paragraph (2) of subdivision (c).

(C)(i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D)(i) Not more than two accessory dwelling units that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limitation in clause (i), (ii), or (iii), as applicable, of subparagraph (D) of paragraph (2) of subdivision (c) and rear yard and side setbacks of no more than four feet.

(ii) If the existing multifamily dwelling has a rear or side setback of less than four feet, the local agency shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this subparagraph.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose objective standards including, but

not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f)(1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with [Section 66000](#)) and Chapter 7 (commencing with [Section 66012](#)).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3)(A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” is defined in [subdivision \(b\) of Section 66000](#), except that it also includes fees specified in [Section 66477](#). “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family dwelling, or upon separate conveyance of the accessory dwelling unit pursuant to paragraph (10) of subdivision (a).

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with [Section 66013](#), the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section shall supersede a conflicting local ordinance. This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h)(1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2)(A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.



(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3)(A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with [Section 11340](#)) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) “Accessory dwelling unit” means an attached or a detached residential dwelling unit 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 multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in [Section 18007 of the Health and Safety Code](#).

(2) “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) “Efficiency unit” has the same meaning as defined in [Section 17958.1 of the Health and Safety Code](#).

(4) “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.

(5) “Local agency” means a city, county, or city and county, whether general law or chartered.

(6) “Nonconforming zoning condition” means a physical improvement on a property that does not conform to current zoning standards.

(7) “Objective standards” means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

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

(9) “Permitting agency” means any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.

(10) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(11) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(12) “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.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 ([Division 20 \(commencing with Section 30000\) of the Public Resources Code](#)), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in [subdivision \(a\) of Section 65583.1](#), subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to [Article 1 \(commencing with Section 17960\)](#) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2), a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with [Section 17980.12 of the Health and Safety Code](#):

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

#### Credits

(Added by Stats.1982, c. 1440, § 2, operative July 1, 1983. Amended by Stats.1986, c. 156, § 1, operative April 1, 1987; Stats.1990, c. 1150 (A.B.3529), § 2; Stats.1994, c. 580 (A.B.3198), § 2; Stats.2002, c. 1062 (A.B.1866), § 2; Stats.2016, c. 720 (S.B.1069), § 5, eff. Jan. 1, 2017; Stats.2016, c. 735 (A.B.2299), § 1.5, eff. Jan. 1, 2017; Stats.2017, c. 594 (S.B.229), § 1, eff. Jan. 1, 2018; Stats.2017, c. 602 (A.B.494), § 1.5, eff. Jan. 1, 2018; Stats.2019, c. 653 (S.B.13), § 1, eff. Jan. 1, 2020; Stats.2019, c. 655 (A.B.68), § 1, eff. Jan. 1, 2020; Stats.2019, c. 659 (A.B.881), § 1.5, eff. Jan. 1, 2020; Stats.2020, c. 370 (S.B.1371), § 176, eff. Jan. 1, 2021; Stats.2020, c. 165 (S.B.1030), § 7, eff. Sept. 25, 2020; Stats.2020, c. 198 (A.B.3182), § 3.5, eff. Jan. 1, 2021; Stats.2021, c. 343 (A.B.345), § 1, eff. Jan. 1, 2022; Stats.2022, c. 650 (A.B.2221), § 1, eff. Jan. 1, 2023; Stats.2022, c. 664 (S.B.897), § 2.5, eff. Jan. 1, 2023; Stats.2023, c. 751 (A.B.976), § 1, eff. Jan. 1, 2024; Stats.2023, c. 752 (A.B.1033), § 2.5, eff. Jan. 1, 2024.)

#### Notes of Decisions (10)

West's Ann. Cal. Gov. Code § 65852.2, CA GOVT § 65852.2

Current with urgency legislation through Ch. 1 of 2024 Reg.Sess. Some statute sections may be more current, see credits for details.

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End of Document

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Proposed Legislation

West's Annotated California Codes

Government Code (Refs & Annos)

Title 7. Planning and Land Use (Refs & Annos)

Division 1. Planning and Zoning (Refs & Annos)

Chapter 4. Zoning Regulations (Refs & Annos)

Article 2. Adoption of Regulations (Refs & Annos)

West's Ann.Cal.Gov.Code § 65852.22

§ 65852.22. Junior accessory dwelling units in single-family residential zones; creation by ordinance; permits

Effective: January 1, 2023

[Currentness](#)

(a) Notwithstanding [Section 65852.2](#), a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, 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.

(4) Require a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence. For purposes of this paragraph, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.

(5)(A) Require a permitted junior accessory dwelling unit to include a separate entrance from the main entrance to the proposed or existing single-family residence.

(B) If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b)(1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.

(c)(1) An application for a permit pursuant to this section shall, notwithstanding [Section 65901](#) or [65906](#) or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall either approve or deny the application to create or serve a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create or serve a junior accessory dwelling unit is submitted with a permit application to create or serve a new single-family dwelling on the lot, the permitting agency may delay approving or denying the permit application for the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create or serve the new single-family dwelling, but the application to create or serve the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(2) If a permitting agency denies an application for a junior accessory dwelling unit pursuant to paragraph (1), the permitting agency shall, within the time period described in paragraph (1), 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.

(d) A local agency shall not deny an application for a permit to create a junior accessory dwelling unit pursuant to this section due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the junior accessory dwelling unit.

(e) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(f) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(g) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation related to a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(h) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in [subparagraph \(A\) of paragraph \(1\) of subdivision \(e\) of Section 65852.2](#) and the requirements of this section.

(i) For purposes of this section, the following terms have the following meanings:

(1) “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) “Permitting agency” means any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.

#### Credits

(Added by [Stats.2016, c. 755 \(A.B.2406\)](#), § 1, eff. Sept. 28, 2016. Amended by [Stats.2019, c. 655 \(A.B.68\)](#), § 2, eff. Jan. 1, 2020; [Stats.2022, c. 664 \(S.B.897\)](#), § 4, eff. Jan. 1, 2023.)

West's Ann. Cal. Gov. Code § 65852.22, CA GOVT § 65852.22

Current with urgency legislation through Ch. 1 of 2024 Reg.Sess. Some statute sections may be more current, see credits for details.



# EXHIBIT 9

Email communication received from  
HCD staff on March 6, 2024

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL24-0014)

County of Ventura  
Planning Commission Hearing  
Case No. PL24-0014  
Exhibit 9 - Email communication  
received from HCD staff - March 6, 2024

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## Kadakia, Ruchita

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**From:** Candelaria, Jamie@HCD <Jamie.Candelaria@hcd.ca.gov>  
**Sent:** Wednesday, March 6, 2024 12:46 PM  
**To:** Kadakia, Ruchita  
**Cc:** Garza, David@HCD; Ward, Dave; Van Gorder, Mike@HCD  
**Subject:** RE: Review of Ventura County's ADU Ordinance

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**WARNING:** If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to [Email.Security@ventura.org](mailto:Email.Security@ventura.org).

Hi Ruchita,

I apologize, I do not remember that part of the discussion. However, below is what will be coming out in our next handbook:  
Handbook says:

### **Are two JADUs allowed on a lot?**

No. Only one JADU may be created per lot zoned for single-family residences with a single-family residence. The JADU may be created within the walls of the proposed or existing single-family residence, including attached garages. (Gov. Code, § 65852.22, subd. (a)(1).) *If there are multiple detached single-family residential units on one lot, there can only be one JADU.*

Thank you,



**Jamie Candelaria** (*she/her*)

Senior Housing Accountability Manager, SSMII  
Housing Policy Development Division  
Housing and Community Development  
2020 W. El Camino Avenue, Suite 500 | Sacramento, CA 95833  
Phone: 916.247.2550 | Email: [Jamie.Candelaria@hcd.ca.gov](mailto:Jamie.Candelaria@hcd.ca.gov)



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**From:** Kadakia, Ruchita <Ruchita.Kadakia@ventura.org>  
**Sent:** Wednesday, March 6, 2024 9:40 AM  
**To:** Candelaria, Jamie@HCD <Jamie.Candelaria@hcd.ca.gov>

**Cc:** Garza, David@HCD <David.Garza@hcd.ca.gov>; Ward, Dave <Dave.Ward@ventura.org>; Van Gorder, Mike@HCD <Mike.VanGorder@hcd.ca.gov>

**Subject:** RE: Review of Ventura County's ADU Ordinance

Hello Jamie (and the HCD-ADU team),

The County of Ventura's Planning Division is in the process of amending the ADU ordinance to include the revisions confirmed by HCD (See below) and is anticipated to present the revised ordinance to the Planning Commission on April 4. One of the revisions requested by HCD stated that the County revise Sec. 8107-1.7.6(a)(4) of the [Non-Coastal Zoning Ordinance \[vcrma.org\]](https://www.vcrma.org), which currently states that "*Lots with multiple detached single-family dwellings are not eligible to have a JADU.*"

As you are aware, this statement is consistent with the [July 2022 ADU Handbook](#) (Section 3), which provides: "*JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family dwellings are not eligible to have JADUs.*"

During our October 11, 2023 meeting, HCD staff noted that an updated ADU handbook is anticipated to be published in 2024 which will amend this guidance, and will now allow for one JADU on a lot with multiple single-family dwellings. Since that updated Handbook has not yet been published, the County would like HCD concurrence by email that the guidance will in fact, be included in the updated handbook.

The Planning Commission hearing packet will be finalized by March 25, 2024. Please provide us with your response, and concurrence by that date, so we can justify the revision in our amendment packet.

Thank you,

**Ruchita Kadakia, LEED AP** | Planning Manager  
Housing and State Mandates  
[Ruchita.Kadakia@ventura.org](mailto:Ruchita.Kadakia@ventura.org)

Ventura County Resource Management Agency | Planning Division  
P. (805) 654-2414  
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740  
Visit the Planning Division website at [https://www.vcrma.org/divisions/planning \[vcrma.org\]](https://www.vcrma.org/divisions/planning)  
For online permits and property information, visit [VC Citizen Access \[vcca.ventura.org\]](https://vcca.ventura.org)



*Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.*

# EXHIBIT 10

## Feb 7, 2023 Board of Supervisors agenda packet for 2023 ADU Ordinance, including attachments

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL24-0014)

County of Ventura  
Planning Commission Hearing  
Case No. PL24-0014  
Exhibit 10 - Feb 7, 2023 Board of  
Supervisors agenda packet for 2023 ADU  
Ordinance, including attachments

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February 7, 2023

Board of Supervisors  
County of Ventura  
800 South Victoria Avenue  
Ventura, CA 93009

**SUBJECT: Public Hearing Regarding Adoption of County-Initiated Amendments to Articles 2, 5, 7, 8, 11, and 19 of the Ventura County Non-Coastal Zoning Ordinance to Amend Regulations for Accessory Dwelling Units and to Add Regulations for Junior Accessory Dwelling Units Consistent with Government Code Sections 65852.2 and 65852.22; and Find that the Project is Exempt from the California Environmental Quality Act Pursuant to Public Resources Code Section 21080.17 (PL20-0023); All Supervisorial Districts.**

**RECOMMENDED ACTIONS:**

- a. **CERTIFY** that your Board has reviewed and considered this Board letter and all exhibits thereto and has considered all comments received during the public comment and hearing process;
- b. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission staff report (Exhibit 1), that the adoption of the proposed ordinance amending Articles 2, 5, 7, 8, 11, and 19 of the Non-Coastal Zoning Ordinance to update regulations and development standards for Accessory Dwelling Units (ADUs) and to add regulations and development standards for Junior Accessory Dwelling Units (JADUs) (Exhibit 4) is exempt from CEQA review pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Government Code section 65852.2;
- c. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D of the Planning Commission staff report (Exhibit 1), that the proposed ordinance amending Articles 2, 5, 7, 8, 11, and 19 of the Non-Coastal Zoning Ordinance (Exhibit 4) is consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and is in the interest of public health, safety and general welfare (Exhibit 1);



- d. **ADOPT** the proposed ordinance amending Articles 2, 5, 7, 8, 11, and 19 of the Non-Coastal Zoning Ordinance (Exhibit 4);
- e. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

**FISCAL IMPACTS/MANDATES:**

Mandated:	Yes
Source of Funding:	General Fund and Local Early Action Planning (LEAP) Grant
Funding Match Required:	None
Impact on Other Departments:	None

The recommended actions can be completed with existing staff and within the existing Planning Division budget allocations. Implementing the recommended actions is expected to take an additional 200 hours of staff time and is included in the Planning Division's FY 2022-2023 adopted budget and a portion of the State's LEAP Grant awarded for this ordinance amendment. This time will be used to complete post-adoption tasks such as codification of the approved ordinance, preparation of public information materials, updating permit applications, website update with Spanish translated materials, and training of Building and Safety Division and Planning Division staff. Since new permitting for certain ADUs will occur only through a Building Permit, additional Planning staff time will be spent to collaborate with the Building and Safety Division in developing the adequate process for implementation.

FY 2022-23 Budget Projection for Planning – Division 2910				
	Adopted Budget	Adjusted Budget	Projected Actual	Estimated Savings/(Deficit)
Appropriations	\$ 10,382,005	\$ 10,668,288	\$ 10,668,288	\$ -
Revenue	\$ 5,195,406	\$ 5,195,406	\$ 5,195,406	\$ -
Net Cost	\$ 5,186,599	\$ 5,472,882	\$ 5,472,882	\$ -

## **EXECUTIVE SUMMARY:**

State law related to ADUs and JADUs<sup>1</sup> under Government Code sections 65852.2 and 65852.22 has been amended several times since the County adopted regulations regarding ADUs in 2018. Over time, the new state laws are limiting local discretion in zoning ordinances and mandating that many of these housing units be approved with only a building permit if they meet specific standards. This Board letter includes background information about the state laws related to ADUs and JADUs which necessitated the ordinance amendment, a summary of the proposed ordinance, recommendations received from the Planning Commission during its August 18, 2022, public hearing regarding the draft ordinance, related environmental exemption, and a summary of the public outreach conducted for the project as well as public comments received.

The proposed ordinance: 1) identifies the four types of ADUs allowed with a Building Permit; 2) establishes criteria for all other types of ADUs subject to a ministerial Zoning Clearance; 3) includes more permissive ADU requirements, wherever possible; 4) adds provisions for JADUs allowed with a Building Permit; 5) outlines the processes and general requirements for approval of ADUs and JADUs; 6) defines terms specific to ADUs and JADUs; and 7) updates other sections of the Non-Coastal Zoning Ordinance (NCZO) for consistency with state law and the proposed ordinance.

This project is expected to further facilitate the development of ADUs and JADUs in the unincorporated area, which can be counted toward meeting the County's Regional Housing Needs Allocation (RHNA) set by the state in the County's certified 2021-2029 Housing Element.

## **BACKGROUND:**

The State Legislature has declared that California faces a severe housing crisis and is failing to meet housing demands, particularly for lower and middle-income earners. (Gov. Code, § 65852.150, subdivisions (a)(5) and (a)(6)). Lack of housing has caused increased housing costs, particularly for renters. To increase housing development, several laws have been passed to increase the availability of ADUs and JADUs, which are "*an essential component of California's housing supply.*" (Gov. Code, § 65852.150(a)(8), emphasis added.) Additionally, ADUs "*provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below-market prices within existing neighborhoods.*" (Gov. Code, §65852.150(a)(2), emphasis added.)

Since the County last updated its ADU regulations in 2018, the State Legislature has amended Government Code sections 65852.2 and 65852.22 several times (Exhibit 1,

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<sup>1</sup> Pursuant to [Government Code section 65852.2](#), an ADU is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. And, pursuant to [Government Code section 65852.22](#), a JADU is a dwelling unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family residence.

sub-exhibit 6) with the intent to facilitate the construction of ADUs and JADUs, and to provide additional housing units in all jurisdictions within the state.

The importance of ADUs is addressed in the County's 2040 General Plan through various goals and policies in the Land Use Element, as well as the 2021-2029 Housing Element. Specifically, ADUs are recognized as an integral housing type for meeting the County's RHNA for low-income housing units in the Housing Element. As indicated in Table 5-41 in Chapter 5, Housing of the 2040 General Plan Background Report, and discussed in Exhibit 1, the housing inventory summary for lower, moderate, and above moderate-income categories assumes that about 44 percent (i.e., 560 units) of the overall RHNA for the 6<sup>th</sup> cycle (from 2021 through 2029) will be addressed by the development of ADUs in the unincorporated county<sup>2</sup>. In addition, the Housing Element identified five specific programs related to ADUs to provide information to the community and further encourage their construction (Exhibit 1, sub-exhibit 8). Overall, HCD's certification letter for the 2021-2029 Housing Element stressed that since the County is relying on ADUs to address a significant portion of the housing need, it was critical that the County monitor the total number of annual permits issued for ADUs as well as the units' affordability as part of the 2025 Annual Progress Report.

The Planning Division, in collaboration with County Counsel, has prepared the proposed ordinance amending Articles 2, 5, 7, 8, 11 and 19 of the NCZO to address state law requirements related to ADUs and JADUs (Exhibit 4).

The Planning Division will be preparing a separate set of amendments to the Coastal Zoning Ordinance, which will be presented to the Planning Commission and your Board in 2023.

### **PROPOSED ORDINANCE:**

The NCZO's current ADU regulations were last adopted by the Board in 2018 (referred to as "2018 ADU ordinance" or "current ADU regulations"). The proposed ordinance will amend the current ADU regulations. A detailed discussion of the proposed ordinance is contained in Section A.6 of the Planning Commission staff report (Exhibit 1), and the errata memorandum for the Planning Commission hearing (Exhibit 1, sub-exhibit 9). The proposed ordinance, among other changes, repeals and re-enacts Section 8107-1.7 to address the regulations that would apply to ADUs and JADUs in areas zoned to allow single-family or multifamily dwelling residential use, as specified in the ordinance. State law requirements are primarily addressed in the following subsections of Section 8107-1.7, summarized below.

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<sup>2</sup> Table 5-41 from the County of Ventura 2040 General Plan Background Report, Chapter 5 – Housing, adopted on October 12, 2021.

[http://vcrma.org/docs/images/pdf/planning/plans/VCGP\\_Background\\_Report\\_Chapter\\_5\\_Housing.pdf](http://vcrma.org/docs/images/pdf/planning/plans/VCGP_Background_Report_Chapter_5_Housing.pdf)

**Section 8017-1.7.3** identifies four types of ADUs:

- a. Detached: The ADU is separated from the primary residential structure.
- b. Attached: The ADU is attached to the primary residential structure. An attached ADU may include the conversion of existing partially enclosed spaces (such as a covered patio) to an ADU that is attached to the primary residential structure.
- c. Space within the primary residential structure: The ADU is created within the space (e.g., primary bedroom, attached garage, storage area, or similar use) of an existing or proposed primary residential structure.
- d. Space within an existing accessory structure: The ADU is created within the space of an existing accessory structure that is located on the lot of the primary residence.

**Section 8017-1.7.4** identifies the following types of ADUs that must be ministerially approved with only a Building Permit on lots with existing or proposed single-family or multifamily dwellings pursuant to Government Code section 65852.2(e) (“Building Permit ADUs”). Building Permit ADUs are only available in specified residential or mixed-use zones (e.g., R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD). This section implements the requirements of state law.

- a. One ADU created within a portion of the existing or proposed space of a single-family dwelling, or within the existing space of an accessory structure (a JADU is also allowed on the same lot);
- b. One new detached ADU on a lot with an existing or proposed single-family dwelling (a JADU is also allowed on the same lot);
- c. Multiple ADUs within the portions of existing multifamily dwelling structures that are not used as livable space (this option may be combined with option (d) below); and
- d. Up to two new detached ADUs on a lot with an existing or proposed multifamily dwelling (this option may be combined with option (c) above).

**Section 8107-1.7.5** governs ADUs that do not qualify as Building Permit ADUs under Section 8107-1.7.4, but are approved ministerially with a Zoning Clearance (“Zoning Clearance ADUs”). These ADUs are allowed in all zones that allow residential uses. Zoning Clearance ADUs are the only ADU options available for lots zoned Open Space (OS), Agricultural Exclusive (AE) and Timberland Preserve (TP) with an existing or proposed single-family or multi-family dwelling. Pursuant to Section 8107-1.7.5, a maximum of one ADU is allowed on each qualifying lot if the requirements of that section are met, in addition to one JADU if the standards in Section 8107-1.7.6 are met.

This section retains certain provisions of the County’s current ADU regulations that were unaffected by the new state laws. Primarily, this section establishes objective

development standards for setback, height and parking requirements; includes size limitations for attached and detached ADUs based on lot size; establishes requirements for ADUs that can be created within the space of an existing or proposed single family structure and ADUs attached to an accessory structure; and provides a limited exception to the applicability of certain development standards to allow an ADU up to 850 square feet, as required by state law.

**Section 8107-1.7.6** addresses the specific requirements for JADUs, consistent with Government Code section 65852.22. JADUs that meet the applicable criteria must be approved ministerially with only a building permit. JADUs also differ from ADUs in that the property owner for a JADU must live either within the JADU or within the remaining space of the primary dwelling.

The table below provides an overview of where ADUs and JADUs can be developed, and the type of permit that is required for approval.

<b>ADUs Allowed by Permit and Zone</b>													
<b>Type of ADU</b>	<b>Zoning</b>												
	R1	R2	RES	RPD	R/MU	RHD	RA	RE	RO	CPD/ CBD	OS	AE	TP
<b>Within Single-Family Dwellings and Accessory Structures</b> (Sec. 8107-1.7.4(a))	BP	BP	BP	BP	BP	X	BP	BP	BP	BP	X	X	X
<b>New Detached ADU with Single-Family Dwelling</b> (Sec. 8107-1.7.4(b))	BP	BP	BP	BP	BP	X	BP	BP	BP	BP	X	X	X
<b>ADUs within Multifamily Dwelling</b> (Sec. 8107-1.7.4(c))	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	X	X	X
<b>Detached ADUs with Multifamily Dwelling</b> (Sec. 8107-1.7.4(d))	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	X	X	X
<b>Zoning Clearance ADUs</b> (All other ADUs not allowed under Sec 8107-1.7.4(a) through (d) subject to the standards of Sec 8107-1.7.5)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
<b>JADUs</b> (can be combined with an attached or detached ADU in a single-family dwelling in a single-family residential zone) (Sec. 8107-1.7.6)	BP	BP	BP	BP	X	X	BP	BP	BP	X	X	X	X
BP - Building Permit Only						ZC - Zoning Clearance				X - Not Allowed			

***Notable Deviations from State Law Requirements***

Government Code section 65852.2(g) allows local jurisdictions to adopt less restrictive requirements for the creation of ADUs. The following list includes a summary of specific regulations where Planning Division staff has recommended more permissive requirements in the proposed ordinance than is required by state law. A detailed description of these requirements is included in section A.6 of the Planning Commission staff report (Exhibit 1).

- Section 8107-1.7.4(b) – Government Code section 65852.2(e)(1)(B)(i) authorizes a more restrictive total floor area limitation of 800 square feet for a new detached ADU with an existing or proposed single-family dwelling. Staff recommends that the maximum size of the new detached ADU pursuant to this section be increased to **850 square feet** so it can be consistently implemented along with other sections of the ordinance.
- Section 8107-1.7.5(d) – State law imposes a maximum height of 16 feet, or 18 feet for detached ADUs, based on certain qualifying criteria. The proposed ordinance allows a detached ADU, either with a Building Permit or a Zoning Clearance, **to be taller than the maximum height established** if the ADU is set back at least 20 feet from all property lines, up to the height allowed for the primary dwelling pursuant to the underlying zone.
- Section 8107-1.7.5(g) – State law authorizes local agencies to adopt size standards for attached and detached ADUs, which must allow at least an 850 square foot ADU for a one-bedroom or efficiency unit, and at least a 1,000-square foot ADU for more than a one-bedroom unit. The proposed ordinance complies with these requirements, and allows larger ADUs on larger lots. For instance, lots over 9,000 square feet, but less than 10 acres, may have an ADU **up to 1,200 square feet**; and lots 10 acres or larger may have an ADU that is **up to 1,800 square feet**.
- Section 8107-1.7.5(j) – Government Code section 65852.2(c)(2)(C) effects a limited override of local development standards (i.e., front setbacks, lot coverage, floor area ratio, open space, and minimum lot size standards) when application of the standard(s) would preclude the development of an ADU up to 800 square feet with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards. The proposed ordinance is more permissive than the state law in that it would override a development standard if it precluded development of an ADU up to **850 square feet**, constructed in compliance with all other development standards. Like Section 8107-1.7.4(b) and (d), the maximum size was increased to 850 square feet to retain consistency in implementation.

In addition to the deviations identified above, the proposed ordinance limits the size of new construction detached Building Permit ADUs on lots with multifamily dwellings. Government Code section 65852.2(e)(1)(D) does not include size limits for such ADUs. Because the statute is silent as to the permissible size of such ADUs, staff previously recommended that the size of such new construction detached ADUs be limited to a maximum size of 850 square feet each pursuant to Section 8107-1.7.4(d)(3). This



recommendation was reflected in the public hearing materials presented to the Planning Commission at the August 18, 2022, hearing. Thereafter, in response to guidance received from HCD on January 30, 2023, staff revised the maximum allowable size of new construction detached Building Permit ADUs on lots with an existing or proposed multifamily dwelling to **1,200 square feet**. (See discussion on Page 11 below).

### ***Removal of Impact Areas***

In addition to the changes listed above, the proposed ordinance no longer includes the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality and Ojai Traffic impact areas from the 2018 ADU ordinance, both of which had previously restricted the ability to develop ADUs in these areas.

At the time of the preparation of the 2018 ADU ordinance, staff in the County's Watershed Protection District/Groundwater Resources Division (Groundwater Division) of the Public Works Agency reviewed the methodology from the prior 2003 Second Dwelling Unit ordinance, which was used to determine groundwater impacts in the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality impact area. Accordingly, the Groundwater Division submitted a memo which revised the minimum lot sizes and bedroom equivalent limitations for properties on septic systems to accommodate ADUs within the impact area previously determined in 2003, and recommended a reduction in the minimum lot sizes<sup>3</sup>. These recommendations were included in the 2018 ADU ordinance.

In order to ascertain the change in groundwater impacts in the impact area since the 2018 ADU ordinance, the Groundwater Division provided a memorandum to Planning staff in January 2023 (Exhibit 5), with updated data on the nitrate concentration trends in groundwater in the Arroyo Santa Rosa Valley and Tierra Rejada Basins. The memorandum shows that nitrate concentration trends are generally on the decline from 2017 through 2021 but are higher than the State Maximum Contaminant Level for drinking water for several wells.

Similarly, the 2018 ADU ordinance carried forward the minimum lot size requirements and ADU size limitations for ADUs within the Ojai Traffic Impact area to address traffic impacts on State Route 33 from the 2003 Second Dwelling Unit ordinance.

Government Code section 65852.2(a)(1)(A) provides that a local ADU ordinance shall "[d]esignate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted" and allows areas to be designated "based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety..." Pursuant to Government Code section 65852.2(e), however, there are certain ADUs and JADUs that must be approved ministerially with only a building permit

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<sup>3</sup> The Groundwater Division recommended that ADUs of up to 1,200 square feet with one-, two-, and three-bedroom equivalent be allowed on lots of at least 3.9 acres, 4.8 acres, and 5.7 acres respectively. See the memos at Exhibit 1, sub-exhibits 9 and 13, to the Board letter for the February 27, 2018 hearing for the 2018 ADU ordinance, at this link: <https://ventura.primegov.com/portal/item?id=246275>

if they meet specified criteria (i.e., Building Permit ADUs pursuant to Section 8107-1.7.4), *even if* the property is within a designated impact area.

Guidance provided by HCD in its July 2022 ADU Handbook<sup>4</sup> explains that “local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors.” While detailed findings of fact are not required by, or mentioned anywhere in Government Code section 65852.2, HCD is authorized by law to adopt guidelines to implement uniform standards or criteria that supplement or clarify the standards set forth in Government Code section 65852.2. (Gov. Code, § 65852.2(i).)

Further, the County is required to submit a copy of its adopted ADU ordinance to HCD within 60 days after adoption. (Gov. Code, §65852.2(h).) If HCD determines that the ordinance does not comply with state law, HCD must notify the County, and the County must either amend its ordinance in response to HCD’s findings or adopt specific findings addressing HCD’s findings and explaining the reasons the ordinance complies with state law. HCD may notify the Attorney General if a local agency is in violation of these state law requirements.

While developing the proposed ordinance, County staff requested clarification from HCD staff regarding the designation of impact areas in fall 2021 to ensure compliance with state law and consistency with HCD guidance. HCD staff stated that the designation of impact areas based on water, traffic and public safety impacts is subject to a very high evidentiary bar, particularly in neighborhoods with existing residential development, and that the same rules that apply to ADUs should apply to all other forms of residential development (e.g., residential additions, guesthouses, etc.) in the impact area.

After the August 2022 Planning Commission hearing (discussed on page 12), staff contacted HCD staff again to further discuss the ability of local jurisdictions to designate impact areas, including based on groundwater quality concerns. HCD staff reiterated the high evidentiary bar necessary to designate an impact area and the need to provide justification with detailed findings of fact. HCD also reiterated its position that impact area restrictions on ADU development should apply similarly to other forms of residential development. Staff inquired whether HCD was aware of any jurisdiction that had adopted a local ordinance designating impact area restrictions on ADUs that HCD determined was compliant with state law. HCD staff responded that, to their knowledge, they were not aware of any such jurisdictions. On the other hand, as reflected in some of HCD’s ordinance review letters, which are available online, HCD has found impact area restrictions adopted by other jurisdictions to be noncompliant with state law.<sup>5</sup>

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<sup>4</sup> Accessory Dwelling Unit Handbook, July 2022, California Department of Housing and Community Development, <https://www.hcd.ca.gov/sites/default/files/2022-07/ADUHandbookUpdate.pdf>

<sup>5</sup> Review letter from HCD for City of Berkeley’s ADU Ordinance, dated October 17, 2022, <https://www.hcd.ca.gov/sites/default/files/docs/policy-and-research/ordinance-review-letters/Berkeley-ADU-101722.pdf>

Residential development is currently allowed within the boundaries of the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area and the Ojai Traffic Impact Area. This includes development of new single-family homes, expansions to existing single-family homes, Building Permit ADUs as well as JADUs. As mentioned above, HCD staff has stressed that the same rules that apply to ADUs should apply to all other forms of residential development, if an impact area were to be designated for ADUs. Based on this, it is unlikely that the County would be able to meet HCD's high evidentiary bar to justify the continued inclusion of both impact areas in the proposed ordinance to limit only the development of ADUs. Therefore, based on staff's discussions with HCD and the various changes to state law, the proposed ordinance does not designate any impact areas where ADUs would be specifically restricted based on water, traffic or other public safety impacts.

However, even with the removal of both impact areas, ADUs and JADUs will be required to be reviewed by the Planning Division for consistency with zoning and development standards pursuant to the Proposed Ordinance, and thereafter undergo a case-by-case review by several agencies prior to the issuance of a Building Permit. This includes, but is not limited to, a review by: the Building and Safety Division for compliance with applicable building codes; the Fire Department for access to the site and adequate water capacity for fire flow; the Public Works Agency for land development review related to grading; the Environmental Health Division for septic systems or onsite wastewater treatment systems (OWTS), including any supplemental treatment requirements for areas impacted by nitrates, and OWTS in areas of fractured bedrock or high groundwater; and the local water district to determine if there is adequate potable water to serve the project. Specifically, if an OWTS would be required for a residential development to meet health and safety requirements which may need a Conditional Use Permit, this requirement and review would be applied consistently for all residential development including ADUs and JADUs. These reviews are conducted as part of the Building Permit review process to ensure the proposed development meets applicable standards for water and sewer availability, drinking water and fire flow requirements, prior to the issuance of the Building Permit.

### ***Other Revisions***

Since the August 18, 2022, Planning Commission hearing (discussed on page 12), staff made additional revisions that are reflected in the proposed ordinance in Exhibit 4. The revisions include clarifications and address the most recent changes to state law made as part of the 2022 legislative session, which were enacted after the August 18, 2022, Planning Commission hearing and took effect on January 1, 2023. A summary of the revisions is provided below:

1. *Revisions based on new state legislation* (Senate Bill 897 and Assembly Bill 2221, effective January 1, 2023):
  - Updated Section 8107-1.7.4(d) to include allowance of detached ADUs on lots with a 'proposed' multifamily dwelling (in addition to lots with an existing multifamily dwelling).

- Updated Section 8107-1.7.5(c)(1) to specify that no parking shall be required for an ADU when an application for an ADU accompanies an application for a new single-family or multifamily dwelling on the same lot, provided the ADU or the lot meets any of the criteria listed in that section.
- Updated Sections 8107-1.7.4 and 8107-1.7.5(d) to reflect new height requirements for detached and attached ADUs, consistent with the new legislation. This includes the following:
  - Updated the maximum height requirements for detached ADUs in Sections 8107-1.7.5(d)(1), 8107-1.7.4(b)(4) and 8107-1.7.4(d)(2) to allow a maximum height of 16 or 18 feet, as specified.
  - Updated the maximum height requirements for an attached ADU to a maximum of 25 feet or the maximum allowed height that applies to the primary dwelling, whichever is lower (Section 8107-1.7.5(d)(2)).
- Added “front setbacks” to the list of development standards in Section 8107-1.7.5(j) that cannot preclude the construction of an 850 square foot ADU with four-foot side and rear yard setbacks if all other development standards are met.
- Added a new sub-section 8107-1.7.7(c) to specify that a demolition permit for a detached garage that is to be replaced with an ADU must be reviewed with the application for the ADU and issued at the same time.

2. Clarifications made to the ordinance:

- The definition for “Total Floor Area” in Section 8107-1.7.2 was updated to clarify that the computation of total floor area does not include an unenclosed area or feature such as the examples provided therein.
- In Section 8107-1.7.4(d)(3), the maximum allowable size of new construction detached Building Permit ADUs on lots with an existing or proposed multifamily dwelling was increased from 850 square feet to 1,200 square feet. This revision was based on email communication received from HCD staff on January 30, 2023, wherein they stated that the proposed 850 square foot size limitation would be too limiting, but that the County could limit the maximum allowable size of these detached new construction ADUs to 1,200 square feet each. As described in the impact area section above, HCD has the authority to adopt guidelines to implement uniform standards or clarify the standards set forth in state law. Therefore, staff revised the maximum allowable size in this section to reflect HCD staff’s recommendation.

Although the revised maximum allowable size for detached Building Permit ADUs is larger than otherwise allowed for lots with single-family dwellings, it will be applicable to a limited subset of lots in the unincorporated County – those which already have existing multifamily dwellings on the lot (even if legal non-conforming), or the lots that are zoned to allow multifamily dwellings (such as R2, RES, RPD, R/MU and RHD).

- Section 8107-1.7.4(d) was updated to include an option where two detached Building Permit ADUs on a lot with an existing or proposed multifamily dwelling may be attached to each other. In such a case, the detached ADUs must be detached from the existing or proposed multifamily dwelling and from other accessory structures on the same lot. This clarification was included based on staff's communication with HCD staff, and to provide an additional option for development of Building Permit ADUs on lots with multifamily dwellings. (Section 8107-1.7.4(d)(5))
- Staff added a clarification within the height requirements for detached ADUs in Section 8107-1.7.5(d)(1)(e) to state that detached ADUs cannot be taller than two stories.
- Section 8119-1.4.10 in the Old Town Saticoy Development Code was updated in its introductory text on Page B-46 to include the clarification that accessory dwellings can share the lot with a "multifamily dwelling" in addition to a single-family dwelling.

## **PLANNING COMMISSION HEARING**

The proposed ordinance was presented to the Planning Commission on August 18, 2022. The Planning Commission staff report and the associated exhibits from the hearing including the staff presentation are included hereto as Exhibit 1.

There were three public comments made during the Planning Commission hearing. One of the comments related to the requirement in Section 8107-1.7.5(i) of the proposed ordinance which requires the overall square footage for a detached ADU that is attached to an accessory structure be limited to the allowable size of the ADU per Section 8107-1.7.5(g). The remaining two comments were focused on the removal of the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality impact area and possible impacts to groundwater nitrates in the area.

Staff explained that changes in state law have significantly expanded the types of ADUs that must be ministerially approved with only a building permit, irrespective of whether such ADUs are located in an impact area, and that retention of the impact area could be deemed an undue constraint on the development of ADUs by HCD since the restrictions that would apply to ADUs in the impact areas do not apply to other forms of residential development (e.g., new single-family residences or residential additions) that are otherwise allowed to occur in the area.

### ***Planning Commission Decision***

The Planning Commission voted 5-0 to approve staff's recommendations including a recommendation that your Board adopt the proposed ordinance, as modified to incorporate the applicable revisions set forth in the Planning Division's August 17, 2022, errata memorandum to the Planning Commission (Exhibit 1, sub-exhibit 9). The Planning Commission resolution regarding the project is attached as Exhibit 2.

As explained above, staff made several revisions to the proposed ordinance after the August 18, 2022, Planning Commission hearing which are necessary to implement state law changes that were enacted after the Planning Commission hearing and make other minor clarifications; the revisions are reflected in Exhibit 3 (in legislative/strike-out version) and have been incorporated into the proposed ordinance (Exhibit 4).

### **ENVIRONMENTAL REVIEW**

The proposed ordinance (Exhibit 4) is a “project” as defined by the California Environmental Quality Act (“CEQA”) (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, title 14, §15000 et seq.).

Planning Division staff has determined that the adoption of the proposed ordinance (Exhibit 4) is exempt from CEQA review pursuant to Public Resources Code section 21080.17 which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance to implement the provisions of Government Code section 65852.2. The proposed ordinance implements recent amendments to Government Code section 65852.2 establishing new requirements relating to the ministerial approval of ADU and JADU applications. On that basis, adoption of the ordinance is exempt from CEQA.

### **PUBLIC NOTICE AND OUTREACH**

County Planning staff created and maintained three ADU-related webpages (Exhibit 6) providing information regarding the approval process for ADUs and JADUs, updates regarding the proposed ordinance, and standardized plans for one-, two-, and three-bedroom ADUs that have been reviewed and approved by the Building and Safety Division. These webpages will be further updated after the adoption of the proposed ordinance.

Additionally, staff is in the process of preparing informational brochures and handouts that will help property owners understand the various ADU and JADU options and assist them with navigating the new permit processing requirements, which will be posted online after the proposed ordinance is adopted by the Board of Supervisors.

Staff received one written public comment on the proposed ordinance after the comment submittal deadline for the Planning Commission hearing. As of January 31, 2023, the Planning Division received no additional comment letters regarding the project. The only public comment received is included in Exhibit 7.

The Planning Division provided public notice regarding this Board hearing in accordance with Government Code section 65090. Notice of this Board hearing was published on January 26, 2023, in both English in the *Ventura County Star* and in Spanish in *Vida*. Information regarding the hearing was emailed directly to those included on the interested parties list for the project, which consists of approximately 200 subscribers. Additionally, staff sent postcards to all water and sewer purveyors in the County informing them of the



hearing. The project website was also updated to include information about today's hearing.

This letter was reviewed by the County Executive Office, the Auditor-Controller's Office, and County Counsel's Office. If you have any questions regarding this item, please contact me at (805) 654-2481, or Ruchita Kadakia, Housing and State Mandates Manager, at (805) 654-2414 or via email at [Ruchita.Kadakia@ventura.org](mailto:Ruchita.Kadakia@ventura.org).

A handwritten signature in blue ink, appearing to read "Dave Ward", is written over a horizontal line.

Dave Ward, AICP, Director  
Ventura County Planning Division

**ATTACHMENTS:**

- Exhibit 1: Planning Commission Staff Report dated August 18, 2022, including sub-exhibits 2 through 9, and Planning Division PowerPoint presentation.
- Exhibit 2: Planning Commission Resolution No. 22-23.
- Exhibit 3: Legislative version of the proposed ordinance, with staff explanations, and indicating the revisions made since the August 18, 2022, Planning Commission hearing.
- Exhibit 4: Proposed ordinance amending Articles 2, 5, 7, 8, 11, and 19 of the Non-Coastal Zoning Ordinance.
- Exhibit 5: Memo to RMA-Planning Division from Public Works Agency/Watershed Protection District/Groundwater Resources, dated January 19, 2022; Arroyo Santa Rosa Valley and Tierra Rejada Basins – Nitrate Concentration Trends in Sampled Groundwater from 2017 to 2021.
- Exhibit 6: ADU webpages updated and maintained during the project.
- Exhibit 7: Public comments received after 3:30 pm on August 17, 2022, through January 31, 2023.



## **Planning Commission Staff Report - Hearing on August 18, 2022**

### **County of Ventura • Resource Management Agency**

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [www.vcrma.org/divisions/planning](http://www.vcrma.org/divisions/planning)

**SUBJECT:** Public Hearing to Consider County-Initiated Amendments to Articles 2, 5, 7, 8, and 11 of the Ventura County Non-Coastal Zoning Ordinance to Amend Regulations for Accessory Dwelling Units and to Add Regulations for Junior Accessory Dwelling Units Consistent with Government Code Sections 65852.2 and 65852.22; and to Consider a Finding that the Project is Exempt from the California Environmental Quality Act Pursuant to Public Resources Code Section 21080.17 (PL20-0023)

#### **A. PROJECT INFORMATION**

**1. Applicant:**

County of Ventura, 800 S. Victoria Avenue, Ventura, California, 93009.

**2. Location:**

The proposed amendments to the Ventura County Non-Coastal Zoning Ordinance (NCZO) relating to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) would apply to non-coastal parcels in the unincorporated county, as specified in the proposed ordinance (Exhibit 5), zoned: Single-Family Residential (R1); Two-Family Residential (R2); Residential (RES); Residential Planned Development (RPD); Residential Mixed Use (R/MU); Residential High Density (RHD); Rural Agricultural (RA); Rural Exclusive (RE); Single-Family Estate (RO); Commercial Planned Development within a Community Business District overlay zone (CPD/CBD); Open Space (OS); Agricultural Exclusive (AE); and Timberland Preserve (TP). See Exhibit 2 for location maps showing applicable areas for ADUs and JADUs.

**3. Request:**

Planning Division staff requests that your Commission review this staff report and its attachments and adopt a resolution (Exhibit 3) recommending that the Board of Supervisors (Board) adopt the staff recommended actions stated in Section F of this report, which include approval of the proposed text amendments to the NCZO to amend regulations for ADUs and add regulations for JADUs ("Proposed Ordinance") (Exhibit 5); and find that the adoption of the Proposed Ordinance is exempt from CEQA review pursuant to Public Resources Code section 21080.17.

**4. Review/Decision-Making Authority:**

Under the NCZO and state law, your Commission is required to review, conduct a public hearing on, consider and make recommendations to the Board regarding the Proposed Ordinance. The Board, at a subsequent public hearing, will consider your Commission's recommendations and decide whether to adopt, not adopt or adopt with modifications the Proposed Ordinance.

## 5. Background:

The Legislature has declared that California faces a severe housing crisis and is failing to meet housing demands, particularly for lower and middle-income earners (Gov. Code, § 65852.150, subdivisions (a)(5) and (a)(6)). Lack of housing has caused increased housing costs, particularly for renters. To increase housing development, several laws have been passed to increase the availability of ADUs and JADUs, which are *“an essential component of California's housing supply.”* (Gov. Code, § 65852.150(a)(8), emphasis added.) ADUs typically cost less to construct than other types of housing, largely because they do not require paying for land or major new infrastructure. Additionally, ADUs *“provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below-market prices within existing neighborhoods.”* (Gov. Code, §65852.150(a)(2), emphasis added.)

Every eight years, all cities and counties in California must update their housing elements to include adequate zoning and programs to accommodate housing production. The state, through metropolitan planning organizations, assigns each jurisdiction with a number of housing units that must be adequately zoned and planned in their housing elements. The Southern California Association of Governments (SCAG) is the metropolitan planning organization for the County of Ventura that assigns housing units for the county unincorporated area through a process called the Regional Housing Needs Assessment (RHNA). The current RHNA for the County, for the 6<sup>th</sup> Housing Element cycle (from 2021-2029), is to achieve 1,262 housing units in the county unincorporated area by 2029.

The County's 2021-2029 Housing Element identifies ADUs as an integral housing type for meeting the County's RHNA allocation for low-income housing units. Due to the changing ADU laws which have made it easier to develop this housing type, the second largest percentage of housing developed in the last RHNA cycle (from 2013-2021) consisted of ADUs (after single-family residences). Based on this, the housing inventory in the recently adopted 2021-2029 Housing Element assumes that about 44 percent (i.e., 560 units) of the overall RHNA for the 6<sup>th</sup> cycle will be addressed by the development of ADUs in the unincorporated county. A 2020 study conducted by SCAG and certified by the California Department of Housing and Community Development (HCD)<sup>1</sup> concluded that 46 percent of ADUs in Ventura County were affordable to lower-income households. Based on this, 258 of the 560 ADUs in the 2021-2029 Housing Element are allocated as low-income units (almost half of all low-income units expected to be developed in the next eight years). Therefore, ADUs are anticipated to be utilized as one of the affordable housing options in the unincorporated county.

As explained in more detail below, consistent with state law, ADUs may be created on lots with an existing or proposed single-family or multifamily dwelling, and may be created in the following forms:

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<sup>1</sup> SCAG Regional Accessory Dwelling Unit Affordability Analysis, updated April 2021:  
[scag.ca.gov/sites/main/files/file-attachments/adu\\_affordability\\_analysis\\_120120v2.pdf?1606868527](https://scag.ca.gov/sites/main/files/file-attachments/adu_affordability_analysis_120120v2.pdf?1606868527)

- 1) Detached. The ADU is separated from the primary residential structure.
- 2) Attached. The ADU is attached to the primary residential structure. An attached ADU includes the conversion of existing partially enclosed spaces (such as a covered patio) to an ADU that is attached to the primary residential structure.
- 3) Space within a Primary Residential Structure. The ADU is created within the space (e.g., primary bedroom, attached garage, storage area, or similar use) of an existing or proposed primary residential structure.
- 4) Space within an Existing Accessory Structure. The ADU is created within the space of an existing accessory structure that is located on the lot of the primary residence.

### ***History of Accessory Dwelling Units in the County***

In 2003, the County adopted a Second Dwelling Unit Ordinance that identified permitting and development standards for second units on properties that met certain criteria consistent with the requirements of Government Code section 65852.2. “Second dwelling units” were the precursor to what are now identified as “accessory dwelling units”. Some of the key legislative changes relating to “accessory dwelling units” are summarized below.

#### **2017/18 ADU Laws**

In 2017 and 2018, various legislative amendments to Government Code section 65852.2, the primary statute governing ADUs, took effect to promote the construction of more ADUs. These included Assembly Bill (AB) 2299, Senate Bill (SB) 1069, AB 494 and SB 229 (collectively the “2017/18 ADU Laws”). Among other changes, these amendments replaced the nomenclature “second dwelling unit” with “accessory dwelling unit.”

The 2017/18 ADU Laws reduced barriers for the construction of ADUs by requiring ministerial approval of ADUs and establishing the maximum standards that local agencies could use to evaluate proposed ADUs. While the 2017/18 ADU Laws significantly limited a local agency’s ability to restrict or prohibit ADUs, the laws still allowed local agencies to designate areas where ADUs could be prohibited or restricted based on the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety.

The 2017/18 ADU Laws also provided a path for approval of certain qualifying ADUs that local agencies had to allow with only a building permit, that would not be subject to local development standards and were exempt from any designated impact areas; the County previously referred to these mandatory ADUs as “Mandatory Interior ADUs”. All other ADUs were required to be approved ministerially, and in the County that meant all other ADUs were permitted through a ministerial zoning clearance. Finally, the 2017/18 ADU Laws also authorized local jurisdictions to allow, by ordinance, the creation of JADUs as an optional form of additional housing in single-family residential zones.

#### **2018 ADU Ordinance**

In response to the 2017/18 ADU Laws, the County amended the NCZO and Coastal Zoning Ordinance in 2018 to establish development standards for ADUs consistent

with the statutory requirements then in effect (2018 ADU Ordinance). Among other changes, the 2018 ADU Ordinance:

- Reclassified Second Dwelling Units as Accessory Dwelling Units;
- Identified the Mandatory Interior ADU standards;
- Established size requirements for ADUs and minimum lot sizes for ADUs;
- Established parking requirements for ADUs; and
- Established an owner occupancy requirement for ADUs.

The 2018 ADU Ordinance retained the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area that restricted the size of ADUs based on nitrates in the ground water as well as the Ojai Traffic Impact Area that restricted the size of ADUs based on traffic flow and public safety. The 2018 ADU Ordinance did not contain provisions authorizing JADUs.

### **New ADU Laws**

Since the 2018 ADU Ordinance was adopted, many additional state laws have been enacted to further reduce barriers to the development and use of ADUs and JADUs including, for example: AB 1584 (2021), AB 345 (2021), AB 3182 (2020), SB 1030 (2020), SB 1371 (2020), AB 881 (2019), AB 68 (2019), SB 13 (2019), AB 587 (2019), AB 670 (2019), and AB 671 (2019) (collectively, the “New ADU Laws”). The New ADU Laws require substantial revisions to the NCZO to bring it into conformity. The primary changes made by the New ADU Laws are summarized briefly below and included in Exhibit 6. Exhibit 7 includes the legislative text for Government Code sections 65852.2 (ADU) and 65852.22 (JADU).

The New ADU Laws expanded the types of mandatory ADUs that must be ministerially approved with a building permit in residential and mixed-use zones to include:

- Up to one ADU and one JADU per lot with a proposed or existing single-family dwelling, provided that the ADU is within the proposed or existing space of the single-family dwelling or within the existing space of an accessory structure and that certain additional requirements are satisfied;
- Up to one detached, new construction ADU and one JADU per lot with a proposed or existing single-family dwelling;
- Multiple ADUs within the portions of existing multifamily dwellings that are not used as livable space;
- Up to two detached ADUs per lot with an existing multifamily dwelling; and
- JADUs that meet the requirements of Government Code section 65852.22.

The New ADU Laws impose additional requirements and restrictions on the ability to regulate ADUs, including, but not limited, to the following:

- No minimum lot size requirement for ADUs;
- No owner occupancy requirements for ADUs permitted between January 1, 2020 to January 1, 2025;
- Rental terms for ADUs must exceed 30 days;
- An ADU may not be sold or otherwise conveyed separately from the primary residence, except as provided in Government Code section 65852.26;

- Maximum size of the ADU cannot be less than 850 square feet, or less than 1,000 square feet if the ADU contains more than one bedroom;
- No parking requirements for certain qualifying ADUs including:
  - ADUs located within one-half mile walking distance of public transit;
  - ADUs located within an architecturally and historically significant historic district;
  - ADUs created as part of the proposed or existing primary residence or accessory structure;
  - When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
  - When there is a car share vehicle located within one block of the ADU.
- Creates a limited exception to local development standards (e.g., lot coverage or open space requirements) that do not permit at least an 800 square foot ADU, up to 16 feet in height with four-foot side and rear setbacks to be constructed in compliance with other development standards;
- JADUs meeting the requirements of Government Code section 65852.22 must be allowed in single-family residential zones;
- A JADU may not be sold or otherwise conveyed separately from the primary residence; and
- Unlike ADUs, JADUs must comply with owner-occupancy requirements (e.g., the owner must occupy the JADU or the remaining portion of the single-family dwelling, with limited exceptions).

The New ADU Laws also limit the ability of local jurisdictions to restrict or prohibit ADUs in designated areas based on the adequacy of water and sewer services and impacts on traffic flow and public safety (i.e., “impact areas”). (Gov. Code, § 65852.2(a)(1)(B).) While the ADU law does not require local jurisdictions to make specific findings in designating impact areas where ADUs would be restricted or prohibited, HCD, which is responsible for reviewing local ADU ordinances for compliance with state law and is statutorily authorized to adopt guidelines to supplement or clarify the “terms, references, and standards” of the state ADU law, has indicated that it would require detailed findings of fact to support the designation of any impact areas and to explain why any prohibition or restriction on ADU development within an impact area is consistent with Government Code section 65852.2(a)(1)(A).

See Exhibit 6 for additional information regarding the 2017/18 ADU Laws, the 2018 ADU Ordinance, and the New ADU Laws.

## **6. Summary of Proposed Amendments to the NCZO:**

Due to the comprehensive statutory changes made by the New ADU Laws, the Proposed Ordinance includes amendments to Articles 2, 5, 7, 8, and 11 of the NCZO. The majority of the amendments are included in Article 7, where the current Section 8107-1.7 is proposed to be reorganized and rewritten to include the requirements of the New ADU Laws while retaining certain provisions of the County’s current 2018 ADU Ordinance that are unaffected by the New ADU Laws.



The requirements of the New ADU Laws are primarily addressed in the following three subsections of Section 8107-1.7:

- **Section 8017-1.7.4** governs ADUs and JADUs that must be ministerially approved with a building permit pursuant to Government Code section 65852.2(e) (“Building Permit ADUs and JADUs”);
- **Section 8107-1.7.5** governs ADUs that do not qualify as Building Permit ADUs. Unlike Building Permit ADUs, ADUs subject to Section 8107-1.7.5 are approved ministerially with a zoning clearance and are subject to the development standards set forth in Section 8107-1.7.5. (Building Permit ADUs and JADUs approved under Section 8107-1.7.4 are not subject to the development standards in Section 8107-1.7.5); and
- **Section 8107-1.7.6** addresses specific requirements for JADUs, consistent with the requirements of Government Code section 65852.22. JADUs that meet the applicable criteria are approved ministerially with a building permit.

The following discussion elaborates on the intent, applicability, and requirements of these three subsections to assist decision-makers and the community to understand the proposed regulations, which are intended to facilitate the development of ADUs and JADUs as an affordable housing option consistent with the County’s Housing Element and state law.

***(a) Section 8107-1.7.4 - ADUs and JADUs Allowed by Building Permit***

As noted above, the New ADU Laws vastly expanded the types of ADUs that may be approved with a building permit and that are not subject to the development standards of Section 8107-1.7.5 (i.e., Building Permit ADUs and JADUs). While the 2017/18 ADU Laws only required ADUs that met the criteria of a Mandatory Interior ADU be qualified for approval with a building permit, the New ADU Laws now include four categories of Building Permit ADUs and JADUs. (Gov. Code, § 65852.2(e)(1)(A) through (D).) As a result, staff anticipates that applications for Building Permit ADUs and JADUs may substantially increase, which will in turn help the County meet the 560 ADUs identified in the County’s RHNA and Housing Element.

The four subsections within Section 8107-1.7.4 of the Proposed Ordinance ((a) through (d)) implement the statutorily mandated approval of Building Permit ADUs and JADUs. Sections 8107-1.7.4(a) and (b) apply to lots in residential and mixed-use zones with an existing or proposed single-family dwelling, whereas Sections 8107-1.7.4(c) and (d) apply to lots with existing multifamily dwellings.

In addition to other criteria, Building Permit ADUs and JADUs must:

- Be located on lots within a residential or mixed-use zone (such as lots zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD). This excludes lots that are zoned AE, OS, and TP, as well as the industrial zones and commercial zones (with the exception of the CPD/CBD zone);
- Meet Building Code and Fire Code standards; and
- Satisfy the applicable requirements of Section 8107-1.7.4(a), (b), (c), or (d).

**Building Permit ADUs and JADUs - Lots with Single-Family Dwellings (Sections 1.7.4(a) and (b))**

As mentioned above, Sections 8107-1.7.4(a) and (b) allow for Building Permit ADUs on lots with a proposed or existing single-family dwelling in accordance with Government Code section 65852.2(e)(1)(A) and (B).

**Category 1: Section 8107-1.7.4(a) – Within the Space of Single-Family Dwellings and Accessory Structures.** (Gov. Code, § 65852.2(e)(1)(A).)

The criteria for approval by building permit under this subsection are as follows:

- 1) The lot must be in one of the following residential or mixed-use zone classifications: R1; R2; RES; RPD; R/MU; RA; RE; RO; or CPD/CBD.
- 2) The ADU or JADU is created within an existing or proposed single-family dwelling and must have its own exterior access, or the ADU is created within an existing (legally permitted or legal nonconforming) accessory structure.
  - a. There is no size limitation on the converted structure or the size of the ADU within the converted structure.
  - b. The accessory structure may be attached or detached from the single-family residence.
  - c. The accessory structure may include a maximum expansion of 150 square feet for accommodating ingress and egress to the ADU. This expansion is not available for an ADU or JADU created within an existing single-family dwelling.
- 3) Side and rear setbacks must comply with Building Code and Fire Code requirements.
- 4) A JADU must comply with Government Code section 65852.22 and Section 8107-1.7.6 which include specific requirements for JADUs.

**Category 2: Section 8107-1.7.4(b) – New Detached ADU with an Existing or Proposed Single-Family Dwelling** (Gov. Code, §65852.2(e)(1)(B))

The criteria for approval by building permit under this subsection are as follows:

- 1) The lot is in a Residential or Mixed-Use Zone as specified in Category 1 above.
- 2) The lot has an existing or proposed single-family dwelling.
- 3) The ADU is detached from the single-family dwelling.
- 4) The ADU is a new construction ADU (not a conversion of accessory structure).
- 5) The ADU has side and rear setbacks that are at least four feet.
- 6) Maximum building height of the ADU is 16 feet above grade.
- 7) The ADU does not exceed 850 square feet.
- 8) The detached ADU may be combined with a JADU that meets the requirements of Government Code section 65852.22 and Section 8107-1.7.6.

Government Code section 65852.2(e)(1)(B)(i) authorizes a local agency to impose certain conditions on detached new construction ADUs that must be ministerially approved with a building permit. The law specifically allows a locally agency to impose a height limit of 16 feet and a total floor area limitation of not more than 800 square feet for such ADUs.

As reflected in the criteria listed above, the Proposed Ordinance includes a 16-foot height limitation as well as a total floor area limitation of 850 square feet. While Government Code section 65852.2(e)(1)(B)(i) authorizes a more restrictive total floor area limitation of 800 square feet, staff recommends that the size of detached new construction ADUs pursuant to Section 8107-1.7.4(b) be allowed up to 850 square feet. Local agencies may adopt less restrictive requirements for the creation of ADUs. (Gov. Code, § 65852.2(g).) Because other provisions of Government Code section 65852.2 require local agencies allow certain ADUs up to 850 square feet, staff determined that having a consistent 850 square foot size limitation for certain qualifying ADUs would be easier to administer.

Since allowing a detached new construction ADU of 850 square feet is less restrictive than imposing an 800 square feet limitation, increasing the maximum square footage to 850 square feet is permissible.

**Building Permit ADUs – Lots with Multifamily Dwellings (Sections 8107-1.7.4(c) and (d))**

The next two sections – Sections 8107-1.7.4(c) and (d) – allow for Building Permit ADUs on lots with multifamily dwellings in accordance with Government Code section 65852.2(e)(1)(C) and (D). Section 8107-1.7.4(c) allows for ADUs to be created within the portions of existing multifamily dwellings that are not used as livable space (e.g., storage rooms, boiler rooms, passageways, attics). Section 8107-1.7.4(d) allows for the construction of up to two detached ADUs on lots with multifamily dwellings.

Consistent with guidance published by HCD in the July 2022 ADU Handbook<sup>2</sup>, applicants may combine the options in Sections 8107-1.7.4(c) and (d) on lots with multifamily dwellings. For example, an applicant may create an ADU by converting existing non-livable space within a multifamily dwelling and create up to two detached ADUs on the same lot, as long as the criteria in Sections 8107-1.7.4(c) and (d) are satisfied. Further, based on guidance in the ADU Handbook, Section 8107-1.7.4(c)(2)(b) provides that, for lots with mixed-uses, the non-livable space used to create an ADU within a multifamily dwelling shall be limited to the residential areas, and shall not include the areas used for commercial or other non-residential uses.

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<sup>2</sup> Accessory Dwelling Unit Handbook, July 2022, California Department of Housing and Community Development, [www.hcd.ca.gov/sites/default/files/2022-08/ADUHandbookUpdate.pdf](http://www.hcd.ca.gov/sites/default/files/2022-08/ADUHandbookUpdate.pdf)

*Category 3: Section 8107-1.7.4(c) – ADUs within Existing Multifamily Dwelling Structures* (Gov. Code, § 65852.2 (e)(1)(C))

The criteria for approval by building permit under this subsection are as follows:

- 1) The lot must be in the RHD zone, or in one of the other residential or mixed-use zones listed previously above (i.e., R1, R2, RES, RPD, R/MU, RA, RE, RO or CPD/CBD).
- 2) The ADUs must be created within the portions of the existing multifamily dwelling structure that are not used as livable space including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. The multifamily dwelling may be legal nonconforming.
- 3) An applicant could not build an ADU if there was no existing non-livable space within a multifamily dwelling structure.
- 4) The number of ADUs that may be created on a lot pursuant to Section 8107-1.7.4(c) shall be at least one or the number of ADUs equal to up to 25 percent of the existing multifamily dwelling units, whichever is greater. For example, a lot with a duplex (i.e., two units) may develop up to one ADU, while a larger multifamily dwelling with eight units may develop up to two ADUs.
- 5) For lots with mixed-uses, the non-livable space used to create an ADU shall be limited to the residential areas and shall not include the areas used for commercial or other non-residential activities. Parking and storage areas for non-residential uses are also excluded from potential ADU development.

*Category 4: Section 8107-1.7.4(d) – Detached ADUs with Existing Multifamily Dwelling Structures* (Gov. Code, § 65852.2(e)(1)(D))

The criteria for approval by building permit under this subsection are as follows:

- 1) The lot must be in the RHD zone, or in one of the other residential or mixed-use zones listed above (R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD).
- 2) The lot must have an existing multifamily dwelling structure. The multifamily dwelling may be legal nonconforming.
- 3) Up to two detached ADUs are allowed either through the conversion of an existing structure or new construction.
- 4) The ADU's side and rear setbacks must be at least four feet.
- 5) Maximum building height of the ADU is 16 feet above grade.
- 6) New construction ADUs may not exceed 850 square feet.

Government Code section 65852.2(e)(1)(D) does not address size limitations for detached ADUs on lots with multifamily dwellings. However, HCD has indicated in some of its ADU ordinance review letters to local agencies that a local agency may impose a size limitation on new construction, detached ADUs on lots with existing multifamily dwellings, but may not impose a size limitation on the conversion of existing detached structures to ADUs. (See Government Code § 65852.2(e)(1)(D).) Staff

proposes including a size limitation of 850 square feet for a detached new construction ADU with an existing multifamily dwelling, as set forth in Section 8107-1.7.4(d)(3) of the Proposed Ordinance. Detached ADUs created by converting existing detached structures, on the other hand, would not be subject to the 850 square foot size limitation.

**Sections 8107-1.7.4(e) and (f)**

These sections apply to all Building Permit ADU and JADUs under Sections 8107-1.7.4(a) through (d) above and make it clear that only a building permit is required for ADUs that qualify under Sections 8107-1.7.4(a) through (d), and that the development standards of section 8107-1.7.5 do not apply to Building Permit ADUs.

***(b) Section 8107-1.7.5 - Development Standards for ADUs Not Authorized under Section 8107-1.7.4***

ADUs that do not meet the standards of Section 8107-1.7.4 for approval with a building permit may be approved by ministerial zoning clearance if the standards in Section 8107-1.7.5 are met. The authority for the County to impose development standards on ADUs that do not qualify for approval with a building permit is set forth in Government Code section 65852.2(a) ("Subdivision (a) Development Standards"). The Subdivision (a) Development Standards establish the maximum parameters that local agencies may use in developing and applying local development standards for ADUs; a local ADU ordinance may not impose special permitting requirements or development standards for ADUs that are more restrictive than those authorized by the Subdivision (a) Development Standards. However, as previously noted, local agencies may adopt less restrictive standards for ADUs consistent with Government Code section 65852.2(g).

Section 8107-1.7.5 establishes the following development standards for approval by zoning clearance in compliance with the Subdivision (a) Development Standards:

- 1) ADUs must meet Building Code and Fire Code requirements and other applicable zoning standards that are not inconsistent with the standards in Section 8107-1.7.5.
- 2) The lot must be located within the residential or mixed-use zones listed above (including RHD), or the AE, OS, or TP zones. Lots in the AE, OS, or TP are not entitled to Building Permit ADUs because those zones are not residential or mixed-use zones, thus, Section 8107-1.7.5 is the only option for lots located in AE, OS, and TP. (Gov. Code, § 65852.2(a)(1)(D)(ii).) ADUs are not allowed on lots located in the commercial and industrial zones, with the exception of lots in the CPD/CBD zone, as those zones do not allow single-family or multifamily dwelling residential use.
- 3) The lot must either have an existing or proposed single-family dwelling or multifamily dwelling. (Gov. Code, § 65852.2(a)(1)(D)(ii))
- 4) One ADU and one JADU are allowed per lot if the applicable criteria of Section 8107-1.7.5, and 8107-1.7.6 for JADUs, are satisfied. Although a local agency may allow for additional ADUs, staff proposes a maximum of one ADU per lot. One

JADU may be allowed on the same lot if the requirements of Section 8107-1.7.6 are satisfied.

- 5) Parking requirements are limited by state law to no more than one off-street parking space per ADU. Off-street parking may be provided as tandem parking on a driveway and may encroach, with limitations, into the front and/or interior side setback. However, pursuant to Government Code section 65852.2(a)(1)(D)(x), no parking for an ADU is required if:
  - a. The ADU is within one-half mile walking distance of public transit (See Section 8107-1.7.2 for the statutory definition of “public transit”);
  - b. The ADU is located within an architecturally and historically significant historic district;
  - c. The ADU is part of the proposed or existing primary residence or an accessory structure. (This exemption from parking requirements may be vast reaching since it applies to all interior ADUs and all ADUs in accessory structures.);
  - d. When on-street parking permits are required but not offered to the occupants of the ADU; or
  - e. When there is a car share vehicle within one block of the ADU.

In addition, when a garage, carport, or covered parking structure is converted to an ADU or demolished to construct an ADU, those off-street parking spaces do not need to be replaced for the primary dwelling.

- 6) The Proposed Ordinance imposes a maximum height for an ADU of 16 feet above the grade, but the height may exceed 16 feet if the ADU is setback 20 feet from all property lines. In that case, the ADU may not exceed the maximum allowed building height requirement of the primary dwelling unit per the applicable zone. (Gov. Code, § 65852.2(e)(1)(B)(ii))
- 7) Government Code section 65852.2(a) authorizes local agencies to impose setback restrictions on ADUs, subject to several limitations. First, if any of the following are converted into an ADU, then no setback may be required: (a) an existing living area; (b) an accessory structure; or (c) a structure constructed in the same location and to the same dimensions as a demolished existing structure. Second, a setback of no more than four feet from the side and rear lot lines may be required for an attached or detached ADU. (Gov. Code, § (a)(1)(D)(vii).) The setback requirements in the Proposed Ordinance are consistent with state law.
- 8) There is no minimum lot size requirement. The New ADU Laws prohibit a local agency from establishing a minimum lot size requirement for ADUs and JADUs. (Gov. Code, § 65852.2(a)(1)(B)(i))
- 9) State law authorizes local agencies to adopt size standards for attached and detached ADUs subject to several statutory limitations. First, an ordinance cannot establish a minimum size that prohibits an efficiency unit. Second, the ordinance must allow at least an 850 square foot ADU for a one-bedroom ADU or efficiency unit, and at least a 1,000 square foot ADU if it provides more than one bedroom. (Gov. Code, § 65852.2(c)(2)). Staff’s Proposed Ordinance complies with these



requirements, and allows for larger ADUs on lots that are larger than 9,000 square feet as follows:

- a. Lots that are 9,000 square feet or less are allowed ADUs of up to 850 square feet if the ADU is a one bedroom or an efficiency unit, or ADUs of up to 1,000 square feet if the ADU provides more than one bedroom.
- b. Lots larger than 9,000 square feet, but less than 10 acres, may have ADUs up to 1,200 square feet
- c. Lots larger than 10 acres, may have ADUs up to 1,800 square feet.

The 2003 Second Dwelling Unit Ordinance, and thereafter, the 2018 ADU Ordinance established minimum lot size requirements and limited the number of allowable bedrooms.

Consistent with state law, the Proposed Ordinance does not impose a minimum lot size requirement for ADUs. However, the Proposed Ordinance does take lot size into account by allowing larger ADUs on lots that exceed 9,000 square feet or 10 acres in size. The Proposed Ordinance does not include any size limits based on the number of bedrooms. Because these standards promote greater flexibility and are less restrictive than the state requirements, the proposed size standards are permissible.

- 10) As noted above, Section 8107-1.7.4(a) allows certain ADUs in residential and mixed-use zones to be created within the space of a proposed or existing single-family dwelling, or within the existing space of an accessory structure, (i.e., Interior ADU) with approval of a building permit.

An Interior ADU that does not meet the standards of Section 8107-1.7.4 for approval with a building permit, including, for example, if the lot is zoned OS, AE or TP (i.e., not located in a residential or mixed-use zone), may nonetheless be allowed with a zoning clearance if the standards in section 8107-1.7.5(h) are met. Those standards include:

- a. The ADU is located within the space of an existing or proposed single-family dwelling (not allowed in an accessory structure).
- b. The ADU has independent exterior access and does not have internal access to the primary dwelling.
- c. The ADU must comply with the size standards in Section 8107-1.7.5(g). (This is unlike an Interior Building Permit ADU under Section 8107-1.7.4(a) which is not subject to size limitations.)
- d. The side and rear setbacks must comply with applicable Building and Fire Code requirements.

- 11) An accessory structure may be attached to an ADU only if the total floor area of the accessory structure and attached ADU combined does not exceed the allowable size of an ADU pursuant to Section 8107-1.7.5(g). This provision does not apply to ADUs built above a garage. Furthermore, the ADU may not have internal access to the accessory structure. These design standards are recommended to prevent the unauthorized expansion of the space within the

accessory structure to create larger ADUs than intended by the Proposed Ordinance.

- 12) Limited Exception to Development Standards ADU - Section 8107-1.7.5(j) of the Proposed Ordinance implements Government Code section 65852.2(c)(2)(C), which provides a limited exception to local development standards (e.g., lot coverage or open space requirements) that do not permit at least an 800 square foot ADU, up to 16 feet in height with four-foot side and rear setbacks to be constructed in compliance with all other development standards. This provision has the effect of overriding the application of a development standard if it would prevent the construction of an 800 square foot ADU, 16 feet in height with four-foot side and rear setbacks. For example, a property that has met the maximum allowable lot coverage may still construct an ADU of up to 800 square feet, even if it is inconsistent with lot coverage limitations. However, other applicable development standards still apply.

Staff proposes that this limited exception to development standards be expanded to allow an override of local development standards that do not permit at least an 850 square foot ADU (as opposed to an 800 square foot ADU) in order to have as much consistency as possible in the provisions of the Proposed Ordinance relating to the size of ADUs to facilitate implementation. As previously noted, state law permits local agencies to provide for less-restrictive standards than required under the ADU Laws.

**Relationship to County Impact Areas:**

As noted in the discussion regarding the New ADU Laws, HCD has provided some guidance regarding the ability of local agencies to limit ADU development in certain areas based on the adequacy of water and sewer service, and the impacts on traffic flow and public safety. In HCD's ADU Handbook, for example, HCD explains that "local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors." HCD also informed County staff that these detailed findings of fact, would be subject to a high evidentiary bar if the restriction would prohibit ADUs in neighborhoods with existing residential uses.

While detailed findings of fact are not required by, or mentioned anywhere in, Government Code section 65852.2, HCD is authorized by law to adopt guidelines to implement uniform standards or criteria that supplement or clarify the standards set forth in Government Code section 65852.2. Local agencies must also submit their ADU ordinances to HCD within 60 days of adoption, after which HCD may review and submit written findings to the local agency as to whether the ordinance complies with state law. Additionally, state law requires the issuance of a building permit for an ADU or JADU that meets the criteria outlined above and in the Proposed Ordinance under Section 8107-1.7.4, even if the property is within an impact area.

Therefore, based on the guidance provided by HCD, the inclusion of the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area and the Ojai Traffic Impact Area were removed from the Proposed Ordinance as ADUs and JADUs must be approved with a building permit subject to the requirements of Section 8107-1.7.4 of the

Proposed Ordinance, and staff has not identified the detailed facts meeting HCD's high evidentiary bar to justify the continued inclusion of the impact areas. That said, all proposed ADUs (including any new ADUs proposed to be located in the previously identified impact areas) must meet Building Code and Fire Code requirements, which would require individual applicants to satisfy the necessary water supply, fire flow, wastewater and related health and safety requirements prior to the issuance of a building permit.

***(c) Section 8107-1.7.6 – JADU Requirements***

A JADU, as defined by Government Code section 65852.22, is "a dwelling unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family dwelling. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure." JADUs are regulated primarily by Government Code section 65852.22 which establishes strict standards for JADUs. Section 8107-1.7.6 directly implements the state requirements.

As explained in Section A.5 of this staff report, the 2017/18 ADU Laws authorized local agencies to allow JADUs as an additional housing option, but did not mandate local agencies to do so. The County's 2018 ADU Ordinance did not include provisions for JADUs.

The New ADU Laws, however, require local agencies to approve JADU applications with a building permit in single-family residential zones provided the JADU meets the requirements of Government Code section 65852.22. The following includes some of the prominent provisions of state law that are set forth in Section 8107-1.7.6 of the Proposed Ordinance pertaining to JADUs:

- 1) JADUs are only allowed in single-family residential zones which include: R1, R2, RES, RPD, RA, RE, or RO.
- 2) Only one JADU is allowed per lot and only within the walls of a proposed or existing single-family dwelling, which includes an attached garage. JADUs are not allowed in multifamily dwellings or accessory structures. JADUs are also prohibited if a lot has more than one single-family dwelling.
- 3) The JADU must have an efficiency kitchen that includes cooking facilities and a food preparation area and storage cabinets.
- 4) The JADU must have a separate entrance from the proposed or existing single-family dwelling, and is not required to have an internal connection to the single-family dwelling unless the JADU shares sanitation facilities with it.
- 5) The JADU must either include separate sanitation facilities or may share sanitation facilities with the single-family dwelling.
- 6) No additional parking is required for a JADU. However, if a JADU is created by the conversion of an attached garage, replacement parking for the single-family dwelling must be provided; replacement parking can be uncovered on-site, and located in the setbacks, with limitations.

***(d) Other Provisions in Section 8107-1.7***

Section 8107-1.7.2 of the Proposed Ordinance includes specific definitions that only apply to Section 8107-1.7. Six of the definitions are mandated by Government Code section 65852.2(j) and the other two were added to clarify the meaning of the terms “existing” and “total floor area” as used in the Proposed Ordinance and state law.

Section 8107-1.7.3 identifies the forms of ADUs that may be created as: (a) detached from the primary residential structure; (b) attached to the primary residential structure; (c) space within a primary residential structure; and (d) space within an existing accessory structure.

Section 8107-1.7.7 addresses application processing and general requirements for ADUs and JADUs, including certain requirements relating to rentals, owner occupancy and property transfers, as well as deed restrictions required to be recorded with the County Recorder’s office for both ADUs and JADUs.

In addition to the comprehensive amendments listed above, the Proposed Ordinance also includes various amendments to Articles 2, 5, 8, and 11 including: new and revised definitions for ADUs and JADUs (Section 8102-0); revisions to the use matrix (Section 8105-4) to address ADUs and JADUs; updates to the Table for Parking Space Requirements by Land Use in Section 8108-4.7; updating the applicable section reference in the cultural heritage provisions (Section 8107-37); and adding references to JADUs in the entitlement process and procedures (Section 8111-7.6).

Exhibits 4 and 5 include the complete text of the Proposed Ordinance in a legislative/strike-out version and clean format respectively.

**B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE AND FINDINGS**

The Proposed Ordinance (Exhibit 5) is a “project” as defined by the California Environmental Quality Act (“CEQA”) (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, title 14, §15000 et seq.).

Planning Division staff has determined that the adoption of the Proposed Ordinance (Exhibit 5) is exempt from CEQA review pursuant to Public Resource Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance to implement the provisions of Government Code section 65852.2. The proposed ordinance implements recent amendments to Government Code section 65852.2 establishing new requirements relating to the ministerial approval of ADU and JADU applications. On that basis, adoption of the ordinance is exempt from CEQA.

**C. NCZO AMENDMENT FINDINGS AND SUPPORTING EVIDENCE**

Section 8115-0 et seq. of the NCZO authorizes the Board to change or amend the zoning ordinance “*whenever the public health, safety, or general welfare, good zoning practice, and consistency with the General Plan justify such action...*” provided that the Board makes certain findings.

The Board's ability to make the required findings pursuant to section 8115-0 of the NCZO is evaluated below for your Commission's consideration in making its recommendations to the Board.

**1. The proposed amendment would not be detrimental to the public health, safety or general welfare.**

The Proposed Ordinance provides additional housing options for the development of ADUs and JADUs on certain properties in the non-coastal areas of the unincorporated county through a ministerial approval process. The proposed amendments provide a regulatory framework for the development of ADUs and JADUs, consistent with state law, that addresses public health, safety, and general welfare issues. The permitting and development standards included in the Proposed Ordinance are intended to ensure that new ADUs comply with all applicable Building and Fire Code requirements, and adhere to setback, height, and size requirements while promoting the development of additional housing. The Proposed Ordinance also ensures that the County is in compliance with applicable state laws, including Government Code sections 65852.2 and 65852.22, by having a ministerial permitting process for ADUs and JADUs consistent with state and local requirements. Based on the aforementioned 2020 SCAG study which classifies the development of ADUs as one of the affordable housing options in the unincorporated county, the Proposed Ordinance furthers the intent of the County's Housing Element for its 6th RHNA cycle to provide affordable housing options for the community in the unincorporated county.

Therefore, the Proposed Ordinance would not be detrimental to the public health, safety, and general welfare. Based on the above discussion, this finding can be made.

**2. The proposed amendment represents good zoning practice.**

The California housing crisis continues to affect unincorporated communities across all individual and family income levels. Proposing zoning standards which promote the development of ADUs while also ensuring such housing meets the applicable objective development standards helps address this local housing need. The Proposed Ordinance applies to areas that are zoned to allow single-family and/or multi-family dwelling residential uses with proposed or existing single-family or multifamily dwellings, and includes detailed standards for issuing permits for ADUs and JADUs that are consistent with state regulations, and the purpose of the underlying zoning districts.

Therefore, the Proposed Ordinance is consistent with good zoning practice. Based on the above discussion, this finding can be made.

**3. The proposed amendment is consistent with the Ventura County General Plan.**

Staff conducted a review of the goals and policies of the Ventura County General Plan (General Plan) and determined that the Proposed Ordinance is consistent. The Proposed Ordinance establishes certain permitting requirements and development standards for ADUs and JADUs and helps implement state law requirements that

support the implementation of the following General Plan Goals and Policies which promote development of ADUs and JADUs.

**Land Use and Community Character Element:**

The Proposed Ordinance is consistent with Goals LU-6, LU-10, and LU-11 and the related policies LU-6.3, LU-10.1, LU-10.2, and LU-11.7 in the Land Use and Community Character Element of the General Plan. Pursuant to Government Code section 65852.2, subdivision (a)(8), an ADU that meets state and local requirements shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed a residential use that is consistent with the existing general plan and zoning designation for the lot. The Proposed Ordinance is therefore consistent with the aforementioned General Plan goals and policies.

**Housing Element:**

The intent of the Housing Element is to provide affordable housing options for all income levels. New state requirements have a specific focus on affirmatively furthering fair housing for very low-, and low-income households, as reflected in the County's Housing Element.

The Proposed Ordinance will implement Goal HE-2 and related policy HE-2.6 of the Housing Element, which incentivizes and encourages the construction of ADUs and JADUs to provide suitable sites for housing development that can accommodate a range of housing by type, size, location, price and tenure to meet the requirements of the regional housing need allocation.

The Proposed Ordinance will also implement Goal HE-3 and related policies HE-3.5 and HE-3.10, which promote housing types for lower-income households that align with the rural and agricultural character, economy, and needs of Ventura County, such as ADUs, and encourages housing design that meets the needs of extended, multigenerational, and/or large families (e.g. room additions, ADUs, and JADUs) to reduce overcrowding and assist in maintaining the affordability of existing housing stock to increase special needs housing opportunities and supportive services for lower income households, seniors, persons with disabilities, persons with mental illness, large families with children, female-headed households, and people who are experiencing homelessness.

Additionally, the Proposed Ordinance is consistent with the following Housing Element Programs which promote the development of new ADUs and JADUs by requiring County staff to develop easier and streamlined permitting procedures for additional housing units, and to maintain housing stock:

Program HE-C - ADU Homeowner Tools: County staff is in the process of preparing informational brochures and handouts that will guide property owners to develop the various options for ADUs and JADUs along with a summary of the development standards and the permit processing requirements, which will be posted online after the adoption of the ordinance.



Program HE-J - Compliance with State Housing Laws and PD Permit Monitoring: The Proposed Ordinance would amend the NCZO to be in compliance with the New ADU Laws and identifies the development standards and ministerial permitting requirements for ADUs and JADUs. Additionally, staff will be returning to your Commission and to the Board of Supervisors with proposed amendments to the Coastal Zoning Ordinance to update the permitting and development standards for ADUs in the coastal zones consistent with the New ADU Laws.

Program HE-T - Publish Clear Permit Approval Procedures: The Proposed Ordinance presents the New ADU Laws in a format that clearly identifies the development standards and ministerial permitting requirements for ADUs and JADUs. Additionally, staff is maintaining websites to inform the public of ADU and JADU permitting requirements, as well as of the Proposed Ordinance.

Program HE-U - Modular Accessory Dwelling Units and Garage Conversion Building Plans: County staff has collaborated and created pre-approved plans for ADUs of one-, two-, and three-bedroom units that have already been reviewed and approved by the Building and Safety Division. These plans are available for residents to download for free and submit for a building permit without the added time and expense of creating custom ADU plans.

Program HE-Z - ADU Monitoring: The County will continue to monitor the development of ADUs and JADUs through building permit records and report the findings to HCD on an annual basis in the County's Annual Progress Report.

In addition to the above-mentioned General Plan goals, policies, and programs, staff conducted a review of the various Area Plans and identified that the Proposed Ordinance is consistent with the following additional goals and policies.

**Lake Sherwood/Hidden Valley Area Plan** - The Proposed Ordinance is consistent with Goal LS-5 and Policy LS-5.2 of the Lake Sherwood/Hidden Valley Area Plan, as it allows for ADUs (identified as Second Dwelling Units) that do not count toward the maximum dwelling units allowed within the Lake Sherwood Community.

A comprehensive list of all above-mentioned goals, policies and programs are included in Exhibit 8.

Overall, the Proposed Ordinance facilitates the development of ADUs and JADUs in compliance with the New ADU Laws. The Proposed Ordinance includes some elements that are more permissive (i.e., less restrictive) than state law including, for example, by allowing larger ADUs in certain instances. These amendments do not conflict with existing General Plan or Area Plan goals or policies and are, therefore, deemed consistent with the Ventura County General Plan. Based on the above discussion, this finding can be made.

## D. PUBLIC OUTREACH

County Planning staff created and maintained two ADU-related webpages<sup>3</sup>: one to share information regarding ADUs and JADUs allowed with a building permit per the New ADU Laws, and the process for obtaining a zoning clearance for all other ADUs; and a second page to inform the public of the Proposed Ordinance amendments, which included a sign-up form for residents interested in receiving notifications regarding periodic webpage updates and the Planning Commission hearing for the Proposed Ordinance.

In 2022, Planning Division and Building and Safety Division staff collaborated to update, and make available to the public on the Resource Management Agency website<sup>4</sup>, pre-approved plans for ADUs of one-, two-, and three-bedroom units that have already been reviewed and approved by the Building and Safety Division, so residents can download the plans for free and submit them for a building permit without the added time and expense of creating custom ADU plans. Staff is currently in the process of preparing informational brochures and handouts that will guide property owners in developing the various options for ADUs and JADUs and assist them with navigating through the permit processing requirements, which will be posted online after the Proposed Ordinance is adopted by the Board of Supervisors. Draft versions of these informational brochures are expected to be provided to the Board of Supervisors as part of the board materials for the adoption hearing in Fall 2022.

## E. PLANNING COMMISSION HEARING NOTICE AND COMMENTS

The Planning Division provided public notice regarding the Planning Commission hearing in accordance with Government Code section 65090. The Planning Division also sent an email to interested parties from the online sign-up form and placed a legal ad providing notice of this public hearing in *Vida* (in Spanish) on August 4, 2022, and in the Ventura County Star (in English) on August 4, 2022. This Planning Commission staff report and associated exhibits were made available to the public on the Planning Division website on August 11, 2022. The Planning Commission hearing will include simultaneous interpretation in Spanish for the community.

## F. RECOMMENDED ACTIONS

Based upon the analysis and information provided above, Planning Division staff recommends that the Planning Commission take the following actions:

1. **CERTIFY** that your Commission has reviewed and considered this staff report and all exhibits hereto, and has considered all comments received during the public comment and hearing process;
2. **ADOPT** a Resolution (Exhibit 3) recommending that the Board of Supervisors take the following actions regarding the Proposed Ordinance:

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<sup>3</sup> Planning Division webpage for information on ADU and JADU Permits: [vcrma.org/en/accessory-dwelling-unit-permits](https://vcrma.org/en/accessory-dwelling-unit-permits); and Planning Division webpage for information on the ADU/JADU ordinance amendment: [vcrma.org/en/accessory-dwelling-unit-ordinance-update](https://vcrma.org/en/accessory-dwelling-unit-ordinance-update)

<sup>4</sup> Standardized Plans for Accessory Dwelling Units and Farmworker and Animal Caretaker Dwelling Units webpage: [vcrma.org/en/accessory-dwellings-farmworker-dwellings](https://vcrma.org/en/accessory-dwellings-farmworker-dwellings)

- a. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Planning Commission staff report and all exhibits thereto and has considered all comments received during the public comment and hearing process; and
- b. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission staff report, that the adoption of the Proposed Ordinance amending Articles 2, 5, 7, 8, and 11 of the Non-Coastal Zoning Ordinance to amend regulations for accessory dwelling units and to add regulations for junior accessory dwelling units consistent with Government Code Sections 65852.2 and 65852.22 (Exhibit 5) is exempt from CEQA review pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Government Code section 65852.2; and
- c. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D of the Planning Commission staff report, that the Proposed Ordinance amending Articles 2, 5, 7, 8, and 11 of the Non-Coastal Zoning Ordinance (Exhibit 5) is consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and is in the interest of public health, safety and general welfare; and
- d. **ADOPT** the Proposed Ordinance amending Articles 2, 5, 7, 8, and 11 of the Non-Coastal Zoning Ordinance (Exhibit 5); and
- e. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

This staff report has been reviewed by County Counsel. The Board of Supervisors hearing to consider the Proposed Ordinance is tentatively scheduled for October 4, 2022 in the Board of Supervisor's hearing room.

If you have any questions concerning the information presented above, please contact Ruchita Kadakia at (805) 654-2414 or by email at [Ruchita.Kadakia@ventura.org](mailto:Ruchita.Kadakia@ventura.org).

**Prepared by:**



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Ruchita Kadakia, Manager  
Housing and State Mandates Section  
RMA/Planning Division

**Reviewed by:**



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Dave Ward, AICP  
Planning Director  
RMA/Planning Division

**EXHIBITS:**

- Exhibit 2: Location Map of Applicable Zones for Proposed Ordinance Pertaining to ADUs and JADUs in the Non-Coastal Zone
- Exhibit 3: Proposed Planning Commission Resolution to the Board of Supervisors
- Exhibit 4: Proposed Ordinance amending Articles 2, 5, 7, 8 and 11 of the Non-Coastal Zoning Ordinance (legislative version)
- Exhibit 5: Proposed Ordinance amending Articles 2, 5, 7, 8 and 11 of the Non-Coastal Zoning Ordinance (clean version)
- Exhibit 6: Summary of ADU laws and History of ADUs in the County of Ventura
- Exhibit 7: ADU and JADU Laws (Government Code sections 65852.2 and 65852.22)
- Exhibit 8: List of Relevant General Plan and Area Plan Goals and Policies

# EXHIBIT 2

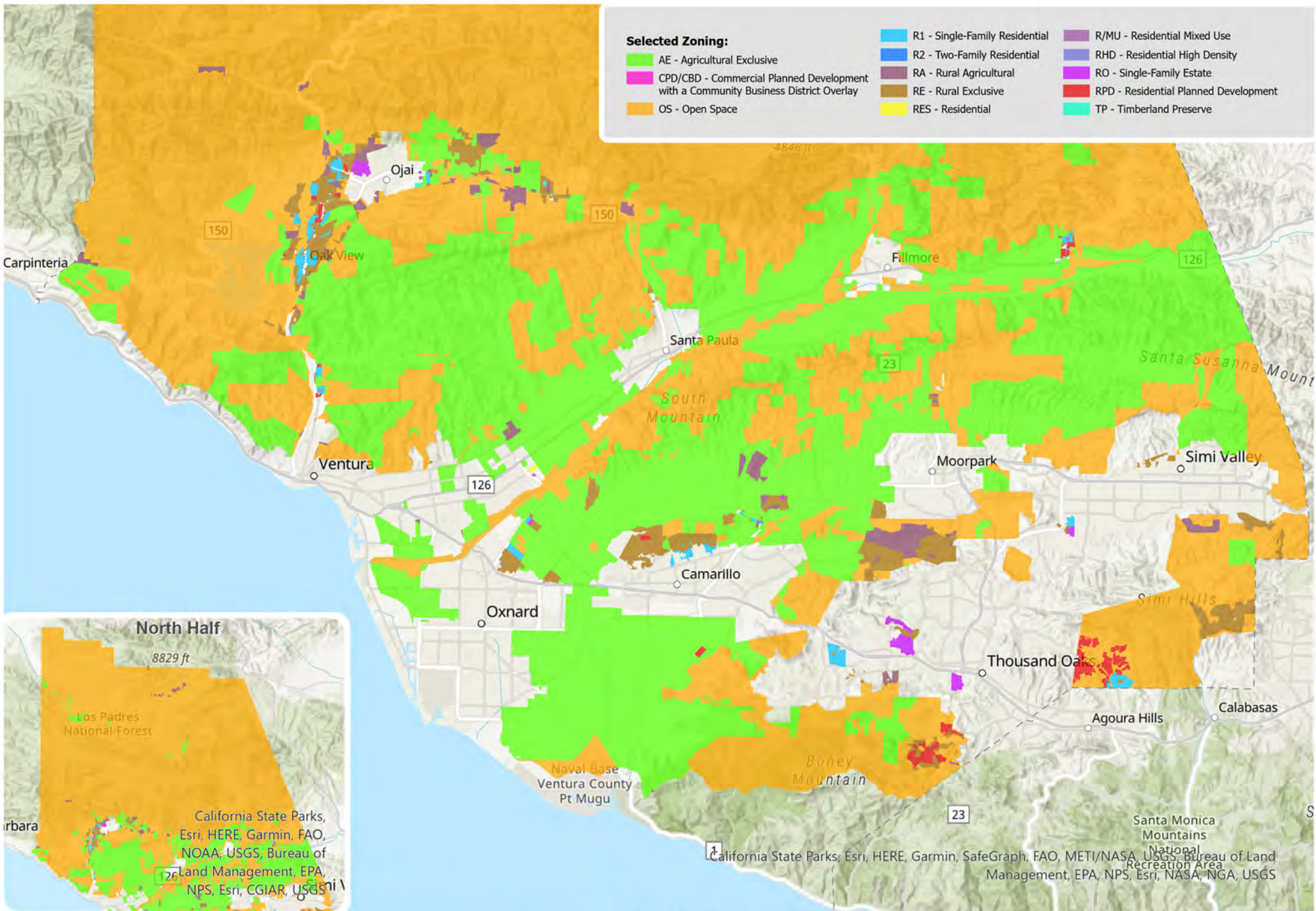
## Location Map of Applicable Zones for Proposed Ordinance Pertaining to ADUs and JADUs in the Non-Coastal Zone

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL20-0023)

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# **EXHIBIT 3**

## **Proposed Planning Commission Resolution to the Board of Supervisors**

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL20-0023)

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## Planning Commission Resolution (DRAFT)

County of Ventura • Resource Management Agency • Planning Division

800 South Victoria Avenue, Ventura, CA 93009 • 805-654-2488 • [www.vcrma.org/divisions/planning](http://www.vcrma.org/divisions/planning)

### **RESOLUTION 21-XX FOR PL20-0023 REGARDING PROPOSED COUNTY-INITIATED ORDINANCE AMENDING THE VENTURA COUNTY NON-COASTAL ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS; AND THE RELATED FINDING THAT PROJECT IS EXEMPT FROM CEQA PURSUANT TO SECTION 21080.17 OF THE PUBLIC RESOURCES CODE**

**WHEREAS**, the Ventura County Planning Commission (Planning Commission) held a legally noticed public hearing on August 18, 2022, to consider a County-initiated ordinance amending Articles 2, 5, 7, 8, and 11 of the Ventura County Non-Coastal Zoning Ordinance to amend regulations for accessory dwelling units (ADUs), and to add regulations for junior accessory dwelling units (JADUs) consistent with Government Code Sections 65852.2 and 65852.22 (Proposed Ordinance); and to consider a finding that the project is exempt from the California Environmental Quality Act pursuant to Section 21080.17 of the Public Resources Code;

**WHEREAS**, the California housing crisis continues to affect unincorporated communities across all individual and family income levels, and proposing zoning standards which promote the development of ADUs and JADUs helps address this local housing need. The County's Housing Element identifies ADUs as an integral housing type for meeting the County's RHNA allocation for low-income housing units. Based on the last RHNA cycle (from 2013-2021) which identified ADUs as the second largest housing type to be developed (after single-family residences) due to the changing ADU laws, the housing inventory in the recently adopted 2021-2029 Housing Element assumes that approximately 44 percent of the overall RHNA for the 6<sup>th</sup> cycle will be addressed by the development of ADUs in the unincorporated county. Of this, almost half of all low-income units expected to be developed in the next eight years include ADUs. Therefore, ADUs are anticipated to be utilized as the most affordable housing option in the unincorporated county.

**WHEREAS**, the Planning Commission considered all oral and written testimony from County staff and the public on this matter;

**WHEREAS**, after the close of the public hearing, Planning Commissioner XXXX, District X, made a motion to approve staff's recommended actions, seconded by Planning Commissioner XXXX, District Y;

**WHEREAS**, the motion carried X-X; and



**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that the following actions be taken by the Ventura County Board of Supervisors with respect to the Proposed Ordinance:

1. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Planning Commission staff report and all exhibits thereto and has considered all comments received during the public comment and hearing process; and
2. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission staff report, that the adoption of the Proposed Ordinance amending Articles, 2, 5, 7, 8, and 11 of the Non-Coastal Zoning Ordinance to amend regulations for accessory dwelling units, and to add regulations for junior accessory dwelling units consistent with Government Code Sections 65852.2 and 65852.22 (Exhibit 5) is exempt from CEQA review pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Government Code sections 65852.2; and
3. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D of the Planning Commission staff report, that the Proposed Ordinance amending Articles 2, 5, 7, 8, and 11 of the Non-Coastal Zoning Ordinance (Exhibit 5) is consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and is in the interest of public health, safety and general welfare; and
4. **ADOPT** the Proposed Ordinance amending Articles 2, 5, 7, 8, and 11 of the Non-Coastal Zoning Ordinance (Exhibit 5); and
5. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission's reasons for the above-stated recommendations to the Board, and the relationship between the Proposed Ordinance and the General Plan, are specified in Sections A, B, and C of the Planning Commission staff report and exhibits thereto. As a general summary, the Planning Commission finds that the Proposed Ordinance helps ensure that the County is in compliance with applicable state laws, including Government Code sections 65852.2 and 65852.22, by having a ministerial permitting process for ADUs and JADUs consistent with state and local requirements. The Proposed Ordinance furthers the intent of the County's Housing Element for its 6th RHNA cycle (from 2021-2029) by providing a regulatory framework for the development of ADUs and JADUs, the development of which has been classified as an affordable housing option for the community in the unincorporated county and facilitates the development of ADUs and JADUs consistent with state law.

The Proposed Ordinance also represents good zoning practice as it includes zoning for ADUs and JADUs in areas zoned to allow single-family and/or multi-family dwelling residential uses, promotes the development of ADUs and JADUs while ensuring such housing meets applicable objective development standards consistent with state regulations and the underlying zoning districts. Furthermore, the Proposed Ordinance facilitates the development of ADUs and JADUs in compliance with the most recent ADU laws, and wherever possible, includes some standards that are more permissive (i.e., less restrictive) than state law, while ensuring that these amendments do not conflict with existing General Plan or Area Plan goals or policies and are, therefore, deemed consistent with the General Plan.

This is to certify that the foregoing is a true and correct copy of the Resolution reflecting the actions taken by the Ventura County Planning Commission at a public hearing regarding the above-described matter on August 18, 2022.

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Dave Ward, AICP, Secretary to the  
Ventura County Planning Commission



# EXHIBIT 4

## Proposed Ordinance amending Articles 2, 5, 7, 8 and 11 of the Non- Coastal Zoning Ordinance (legislative version)

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL20-0023)

County of Ventura  
Planning Commission Hearing  
Case No. PL20-0023  
Exhibit 4 - Proposed Ordinance amending  
Articles 2, 5, 7, 8 and 11 of the Non-Coastal  
Zoning Ordinance  
(legislative version)

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF  
CALIFORNIA, AMENDING DIVISION 8, CHAPTER 1, ARTICLES 2, 5, 7, 8,  
AND 11 OF THE VENTURA COUNTY ORDINANCE CODE, NON-COASTAL  
ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNITS  
AND JUNIOR ACCESSORY DWELLING UNITS

The Board of Supervisors of the County of Ventura ("County") ordains as follows:

Section 1

ARTICLE 2:  
DEFINITIONS

---

**Article 2, Section 8102-0 – Application of Definitions**, of the Ventura County Ordinance Code is hereby amended by revising the following existing definition to read as follows:

Dwelling Unit, Accessory (ADU) - ~~A dwelling unit that is accessory to a principal dwelling.~~  
An attached or a detached residential *dwelling* unit, or a unit within the existing space of a ~~principal~~ primary dwelling unit, which provides complete independent living facilities for one or more persons, ~~with no means of internal access to the principal dwelling~~ and is located on a lot with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same *lot* as the proposed or existing single-family or multifamily principal dwelling. An accessory dwelling unit also includes the following:

- (a) An efficiency unit, as defined in ~~S~~section 17958.1 of the Health and Safety Code; and
- (b) A manufactured home, as defined in ~~S~~section 18007 of the Health and Safety Code.

*[Staff Explanation: Proposed revision to the definition for Accessory Dwelling Unit, consistent with the definition in Government Code section 65852.2(j)(1).]*

**Article 2, Section 8102-0 – Application of Definitions**, of the Ventura County Ordinance Code is hereby amended by adding the following definition:

Dwelling Unit, Junior Accessory (JADU) - A dwelling unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family dwelling. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

*[Staff Explanation: Proposed addition of a new definition for Junior Accessory Dwelling Unit, consistent with the definition in Government Code section 65852.22(h)(1).]*

## Section 2

# ARTICLE 5:

# USES AND STRUCTURES BY ZONE

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**Article 5, Section 8105-4 - Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones**, of the Ventura County Ordinance Code, is hereby amended to read as follows with respect to the below-stated land uses relating to Accessory Dwelling Units and Junior Accessory Dwelling Units:

### Sec. 8105-4 – Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<b>DWELLINGS (43)</b>											
Dwellings, Single-Family * (Mobilehomes - See Sec. 8107-1.3)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD		ZC	
Mobilehome, Continuing Nonconforming (15)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	
Dwellings, Two-Family, Or Two Single-Family Dwellings							ZC	PD			
Dwellings, Multi-Family (42)(43)(44)								PD	ZC		
<u>Accessory Dwellings</u>											
<u>Accessory Dwelling Unit (ADU)</u>	Pursuant to Sec. 8107-1.7										
<u>Junior Accessory Dwelling Unit (JADU)</u>	Pursuant to Sec. 8107-1.7										
<i>Employee Housing (55)</i>	See Sec. 8107-26										
<i>Agricultural Employee Housing</i>											
Maximum of 4 dwelling units	ZC	ZC	ZC							ZC	
More than 4 dwelling units or not meeting standards established by Sec. 8107-26.3	PD	PD	PD							PD	
Other Employee Housing (6 or fewer employees)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD		ZC	

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<i>Farmworker Housing Complex (55)</i>	PD	PD	PD								
Farmworker Group Quarters (55)	PD	PD	PD								
Dwellings, Accessory Structures To											
Buildings For Human Habitation: (3, 19)											
temporary housing during construction/prior to reconstruction* (19, 42, 50)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
<del>accessory dwelling unit* (2, 11, 15, 33, 47)</del>	Pursuant to Article 7 Sec. 8107-1.7										

\*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.

<b>E</b> = Exempt	<b>ZCW</b> = Zoning Clearance with signed waivers	<b>Not Allowed</b>	Exempt	Approved by Planning Director or Designee	Approved by Planning Commission	Approved by Board of Supervisors
<b>ZC</b> = Zoning Clearance unless specifically exempted	<b>PD</b> = Planned Development Permit					
	<b>CUP</b> = Conditional Use Permit					

*[Staff Explanation: Proposed removal of “accessory dwelling unit” from the subheading of “Dwellings, Accessory Structures To”. Proposed addition of a new sub-heading of “Accessory Dwellings” within the use category of “Dwellings” to include the uses of “Accessory Dwelling Unit (ADU)” and “Junior Accessory Dwelling Unit (JADU)”, both of which will be subject to the provisions of Section 8107-1.7, and consistent with the requirements for ADUs and JADUs per Government Code sections 65852.2 and 65852.22 respectively.]*

### Section 3

## ARTICLE 7: STANDARDS FOR SPECIFIC USES

**Article 7, Section 8107-1.7 – Accessory Dwelling Units**, of the Ventura County Ordinance Code, is hereby repealed and reenacted to read as follows:

### ~~Sec. 8107-1.7 – Accessory Dwelling Units~~

~~An accessory dwelling unit shall be allowed on a lot that is zoned for single family or multifamily use and proposes or contains an existing single family residence and no other dwellings, other than an authorized farmworker or animal caretaker dwelling unit subject to Sec. 8105-4. Accessory dwelling units shall comply with all provisions of this Section (Sec. 8107-1.7) and the underlying zoning district, as well as County Building~~

~~Code and Fire Code requirements that apply to single-family dwellings. If any provision of this Article or the underlying zoning district standards conflict with California Government Code Section 65852.2, the latter shall govern.~~

**~~Sec. 8107-1.7.1 Standards for an Accessory Dwelling Unit Created within the Existing Space of a Principal Dwelling Unit or Accessory Structure~~**

~~a. An application for a building permit for an accessory dwelling unit created entirely within the existing space of a permitted principal dwelling unit or within the existing space of a permitted accessory structure shall be approved ministerially in single-family zoned lots without respect to the standards in Sec. 8107-1.7.2 if it meets all of the following:~~

- ~~(1) The lot is zoned as one of the following: Single-Family Residential (R1), Two-Family Residential (R2), Residential Planned Development (RPD), Residential (RES), Rural Agricultural (RA), Single-Family Estate (RO), or Rural Exclusive (RE);~~
- ~~(2) The accessory dwelling unit has independent exterior access;~~
- ~~(3) The rear and side setbacks are deemed sufficient for fire safety as required by the Building Code; and~~
- ~~(4) The creation of the accessory dwelling unit does not involve the addition of floor area to the existing structure.~~

~~b. An application for a zoning clearance for an accessory dwelling unit created entirely within the existing space of a permitted principal dwelling unit shall be approved ministerially in open space and agriculturally zoned lots if it meets all of the following:~~

- ~~(1) The lot is zoned Open Space (OS) or Agricultural Exclusive (AE);~~
- ~~(2) The accessory dwelling unit has independent exterior access;~~
- ~~(3) The rear and side setbacks are deemed sufficient for fire safety as required by the Building Code;~~
- ~~(4) The creation of the accessory dwelling unit does not involve the addition of floor area to the existing structure; and~~
- ~~(5) The lot is located outside the boundaries of the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area shown in Map 1.~~

~~Accessory dwelling units that meet the provisions of Sec. 8107-1.7.1 (a) or (b) above shall comply with the following standards:~~

~~c. No parking requirements shall be imposed.~~

~~d. When a garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement parking spaces for the principal dwelling unit may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.~~

~~e. No more than one accessory dwelling unit is allowed on each lot.~~



### **~~Sec. 8107-1.7.2 Standards for All Other Accessory Dwelling Units~~**

~~An accessory dwelling unit that does not meet the provisions of Sec. 8107-1.7.1 shall require a zoning clearance and be required to comply with the following standards:~~

#### ~~a. Non-Impact Areas~~

~~The following size requirements for accessory dwelling units apply to lots located outside of the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality and the Ojai Traffic Impact Areas shown on Map 1 and Map 2:~~

~~(1) The minimum lot area shall be established by Planning Area, as listed below:~~

<del>Planning Area</del>	<del>Minimum Lot Area</del>
<del>Countywide, except the communities listed below</del>	<del>9,000 sq. ft.</del>
<del>El Rio/Del Norte Area Plan and North Ventura Area Plan</del>	<del>6,000 sq. ft.</del>
<del>Saticoy Area Plan<sup>1</sup></del>	<del>8,000 sq. ft.</del>
<del>Oak Park Area Plan and Thousand Oaks Area Plan</del>	<del>10,000 sq. ft.</del>
<del>Existing Community of Somis</del>	<del>10,000 sq. ft.</del>

~~<sup>1</sup>Refer to Sec.8119 1.3.2, Sec.8119 1.3.3, and Sec. 8119 1.4.10 in the Old Town Saticoy Development Code for additional development standards for accessory dwelling units.~~

~~(2) The total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing gross floor area of the principal dwelling unit or the allowed maximum accessory dwelling unit size, whichever is less. Lots that meet the minimum lot area, as shown in the table above, are allowed an accessory dwelling unit up to a gross floor area of 1,200 square feet with a maximum of 3 bedrooms. Lots that are 10 acres or more in area are allowed an accessory dwelling unit up to a gross floor area of 1,800 square feet with a maximum of 4 bedrooms.~~

~~(3) The total floor area for a detached accessory dwelling unit shall not exceed a gross floor area of 1,200 square feet and a maximum of 3 bedrooms, except that lots that are 10 acres or more in area are allowed an accessory dwelling unit with up to 4 bedrooms and a gross floor area of 1,800 square feet.~~

#### ~~b. Impact Areas~~

~~Lots located in the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area as shown on Map 1 below, or in the Ojai Traffic Impact Area as shown on Map 2 below, shall not exceed the maximum number of bedrooms or bedroom equivalents and the maximum allowable unit size, and shall meet minimum lot area standards listed below. If a lot is partially within the traffic impact area, but the location of the proposed accessory dwelling unit is outside of the traffic impact area, then the lot shall be considered entirely outside the traffic impact area. If a~~

~~lot is partially within the groundwater quality impact area, but the septic system servicing the proposed accessory dwelling unit is, or is proposed to be, located outside the impact area, then the lot shall be considered entirely outside the impact area. Lots located within the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area (Map 1) with an established sewer connection are not subject to the limitations in the table below, and shall meet the sizing requirements for minimum lot area and maximum accessory dwelling unit size in Sec. 8107-1.7.2(a).~~

<b>Impact Area</b>	<b>Maximum Number of Bedrooms<sup>1</sup>/Bedroom Equivalents<sup>2</sup>, Maximum Unit Size<sup>3</sup> of Accessory Dwelling Units, and Minimum Lot Area</b>
<b>Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area (See Map 1)</b>	<p><del>One-bedroom equivalent/1,200 sq. ft. total gross floor area on lots 3.90 acres or more in area.</del></p> <p><del>Two-bedroom equivalent/1,200 sq. ft. total gross floor area on lots 4.80 acres or more in area.</del></p> <p><del>Three-bedroom equivalent/1,200 sq. ft. total gross floor area on lots 5.70 acres or more in area.</del></p>
<b>Ojai Traffic Impact Area (See Map 2)</b>	<p><del>Two bedrooms/900 sq. ft. gross floor area on lots of 20,000 sq. ft. or more in area.</del></p> <p><del>Three bedrooms/1,200 sq. ft. gross floor area on lots of one acre or more in area.</del></p>

<sup>1</sup>~~The maximum number of bedrooms in this table applies only to the Ojai Traffic Impact Area.~~

<sup>2</sup>~~The maximum number of bedroom equivalents, which includes bedrooms, applies only to the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area.~~

<sup>3</sup>~~The total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing gross floor area of the principal dwelling unit or the allowed maximum accessory dwelling unit size, whichever is less.~~

~~c. Boundaries of Impact Areas~~

~~For the purposes of this Sec. 8107-1.7.2 (a) and (b), the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area shall mean those portions of the unincorporated area of Ventura County depicted on Map 1 below, and the Ojai Traffic Impact Area shall mean those portions of the unincorporated area of Ventura County depicted on Map 2, below. Both maps are accessible in the GIS Department of the Resource Management Agency.~~

~~d. Calculation of Gross Floor Area~~

~~For the limited purpose of Sec. 8107-1.7.2(a) and (b), the computation of gross floor area shall not include any attached patio cover, deck, garage or any bay window that does not extend to the floor or protrude more than 18 inches from the adjoining exterior wall. Patio covers, decks, garages or any bay windows will be counted in the maximum allowable square footage allowed for “accessory structures to dwellings” in Sec. 8105-4.~~

~~e. Parking Exemptions~~

~~Parking requirements for accessory dwelling units listed in Sec. 8108-4.7 shall not apply if any of the following apply:~~

- ~~(1) The accessory dwelling unit is located within one-half mile of public transit; or~~
- ~~(2) The accessory dwelling unit is located within an historic district; or~~
- ~~(3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or~~
- ~~(4) When there is a car share vehicle located within one block of the accessory dwelling unit; or~~
- ~~(5) The accessory dwelling unit is within the existing or proposed space of a permitted principal dwelling unit or within the existing space of a permitted accessory structure.~~

~~f. Parking Location~~

~~Parking for an accessory dwelling unit may be provided as tandem parking on a driveway. Additionally, the parking space for an accessory dwelling unit may encroach into a required front and/or interior side setback, provided that all of the following conditions are met:~~

- ~~(1) The long dimension of the space is parallel to the centerline of the nearest driveway on the lot; and;~~
- ~~(2) On interior lots, a minimum three-foot wide area adjacent to one side lot line remains unobstructed by vehicles.~~

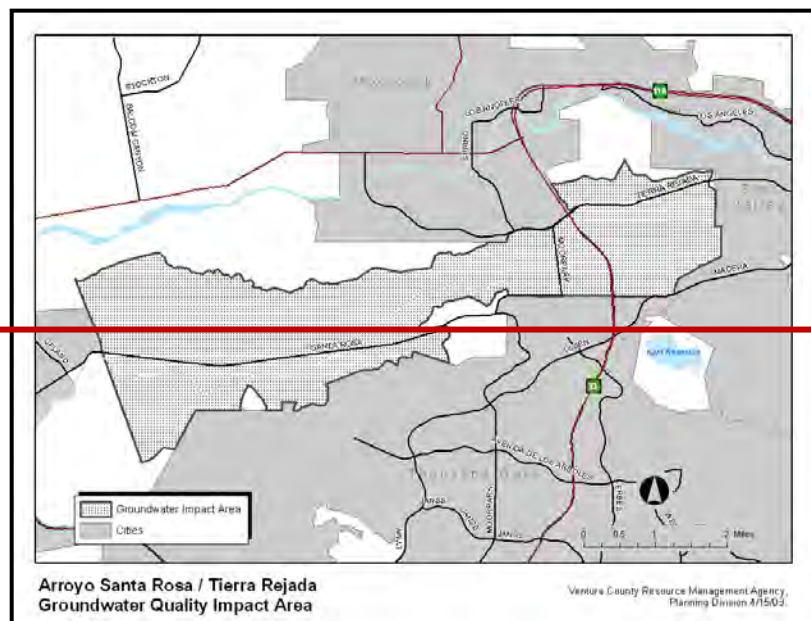
~~g. Parking Location in Fire Hazard Severity Zones~~

~~Notwithstanding Sec. 8107-1.7.2(f), above, parking for accessory dwelling units located within Ventura County Fire Hazard Severity Zones, identified on either the Fire Hazard Severity Zones in State Responsibility Area map or the Very High Fire Hazard Severity Zones in Local Responsibility Area map from CAL FIRE, may not be located within setback areas or as tandem parking, unless the Ventura County Fire Protection District Fire Marshal or his/her designee determines that the proposed location of the accessory dwelling unit is within an area without known barriers to emergency service vehicle access. The Ventura County Fire Hazard Severity Zone maps are accessible in the GIS Department of the Resource Management Agency and at the California Department of Forestry and Fire Protection.~~

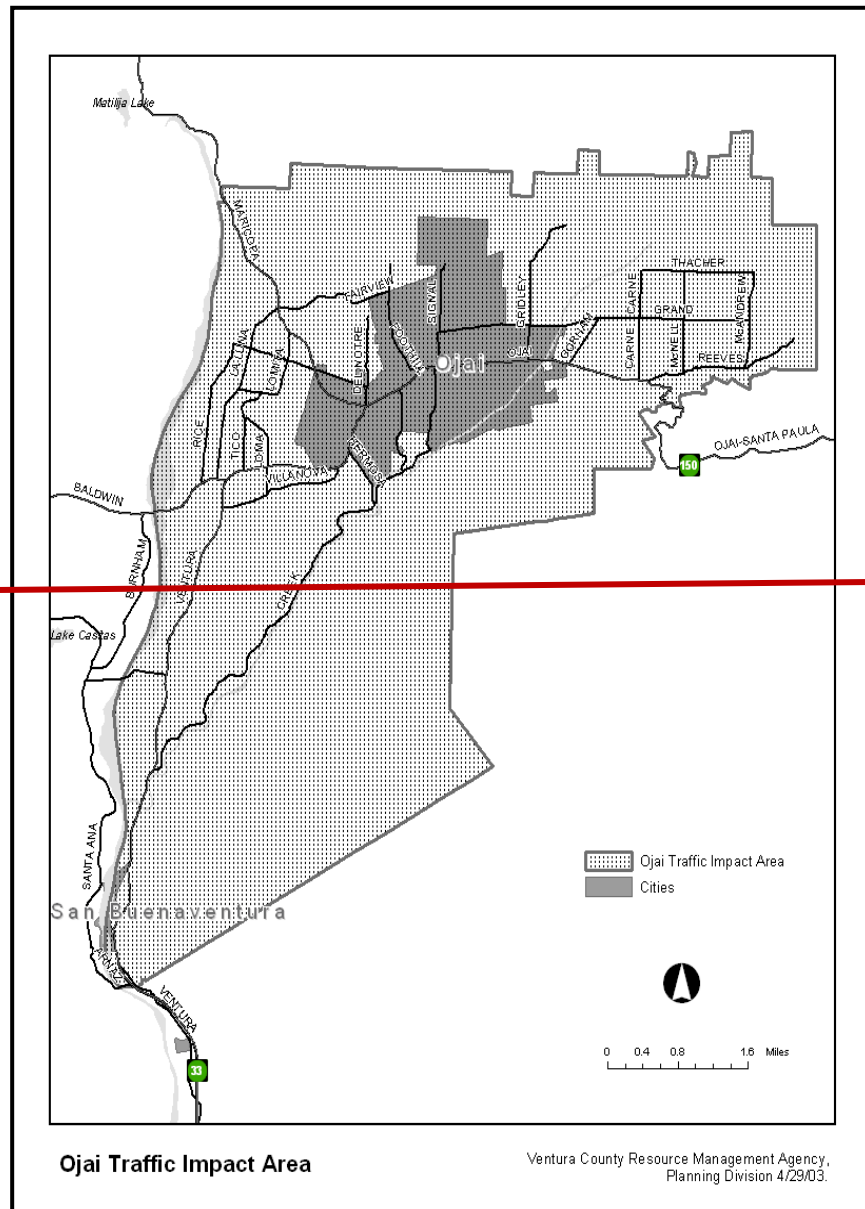
- ~~h. When a garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement parking spaces for the principal dwelling unit may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.~~
- ~~i. An existing principal dwelling unit that meets the development standards for an accessory dwelling unit may be designated the accessory dwelling unit and a separate principal dwelling unit may be permitted on the site. In such cases both the new principal dwelling unit and the accessory dwelling unit shall meet all provisions of this Chapter.~~

- ~~j. A setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.~~
- ~~k. No setback is required for an existing garage that is converted to an accessory dwelling unit.~~
- ~~l. Mobilehomes and manufactured homes may be used as accessory dwelling units, in accordance with Sec. 8107-1.3.~~
- ~~m. With the exception of deviations granted in accordance with Sec. 8107-37.3 and Sec. 8111-9, or as required by state law, no variance to the requirements of this Chapter may be approved for accessory dwelling units.~~
- ~~n. No more than one accessory dwelling unit is allowed on each lot.~~
- ~~o. No other accessory structure shall be attached to a detached accessory dwelling unit, unless the combined total area of the accessory structure and accessory dwelling unit does not exceed the allowable size of the accessory dwelling unit. This provision does not apply to accessory dwelling units built above a garage.~~
- ~~p. Accessory dwelling units shall not be rented on a transient occupancy basis (rental terms of less than 30 consecutive days).~~
- ~~q. An accessory dwelling unit will not be allowed in areas where adequate water supply and sewage disposal cannot be demonstrated. If the existing single-family detached residence is served by a public sewer system or a public water system, the accessory dwelling unit must be served by the same system or systems.~~
- ~~r. At the time of application, the owner of the property shall reside in the accessory dwelling unit or the primary dwelling unit. If the application is for construction of both the accessory dwelling unit and the primary dwelling unit, the owner shall agree to occupy either the accessory dwelling unit or the primary dwelling unit after construction.~~

**MAP-1**



**MAP-2**



## **8107-1.7 – Accessory Dwelling Units and Junior Accessory Dwelling Units**

### **Sec. 8107-1.7.1 – Purpose**

The purpose of this Section 8107-1.7 is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Government Code sections 65852.2 and 65852.22, as may be amended. Pursuant to Government Code section 65852.2, an ADU permitted through this Section 8107-1.7 does not exceed the allowable density for the lot upon which the ADU is located; and an ADU is a residential use that shall be deemed consistent with the existing general plan and zoning designation for the lot. If any provision of this Section 8107-1.7 or the underlying zoning district standards conflicts with state law, the latter shall govern.

### **Sec. 8107-1.7.2 – Definitions**

As used in this Section 8107-1.7, the following definitions shall apply:

Accessory Structure - A structure that is accessory and incidental to a dwelling located on the same lot as defined in Government Code section 65852.2(j)(2), as may be amended.

Existing - Space, units, or structures that are legally permitted or legal non-conforming.

Nonconforming Zoning Condition - A physical improvement on a property that does not conform with current zoning standards as defined in Government Code section 65852.2(j)(6), as may be amended.

Passageway - A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit as defined in Government Code section 65852.2(j)(7), as may be amended.

Proposed Dwelling - A dwelling that is the subject of a permit application and that meets the requirements for permitting as defined in Government Code section 65852.2(j)(8), as may be amended.

Public Transit - A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public as defined in Government Code section 65852.2(j)(9), as may be amended.

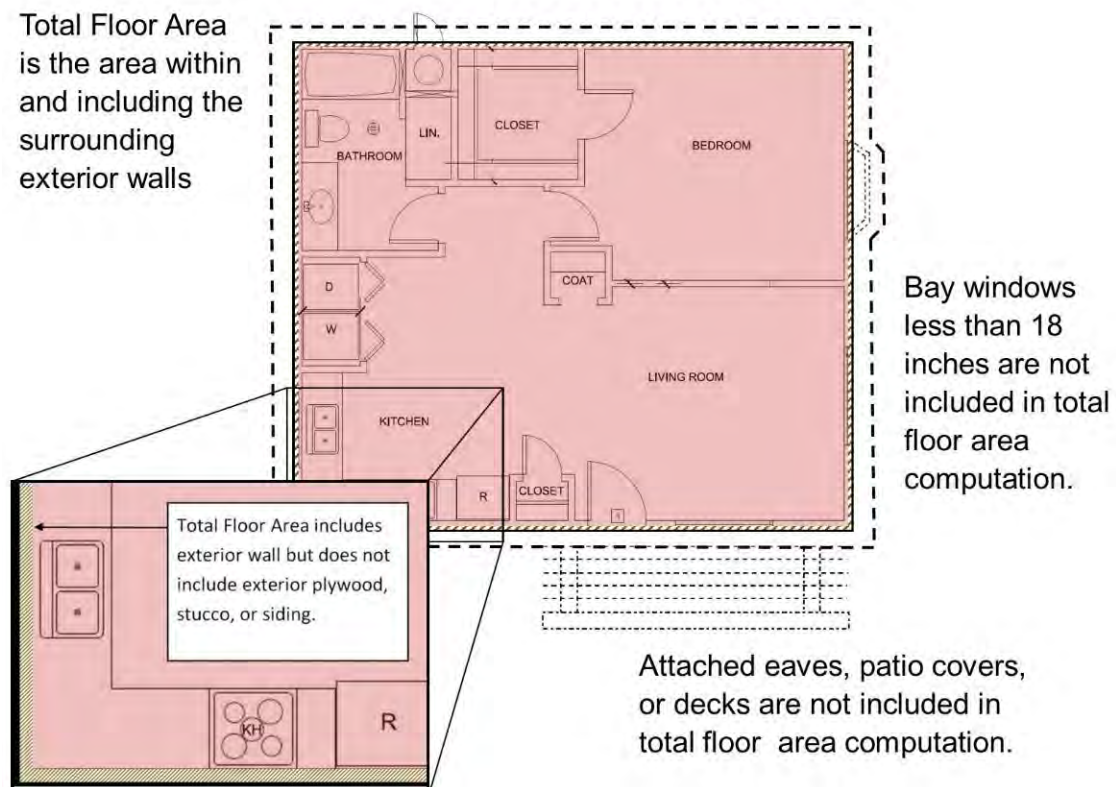
Tandem Parking - A parking configuration where two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another as defined in Government Code section 65852.2(j)(10), as may be amended.

Total Floor Area - Shall have the same definition as “building area” as set forth in Title 24, Part 2, Chapter 2 of the California Building Code, as may be amended, which states: “The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.” However, the computation of total floor area for ADUs shall not include: any eave or architectural feature; attached covered patio or deck; an open deck constructed at or below the level of the



first floor; a balcony or the space below a cantilevered balcony; the space below an open and unenclosed stairway; a garage that is below the ADU when there is no internal access from the garage to the ADU; or a bay window that does not extend to the floor or protrude more than 18 inches from the adjoining exterior wall, as illustrated in Figure 1.

**Figure 1**



### **Sec. 8107-1.7.3 – Types of Accessory Dwelling Units**

An ADU may be created in the following forms:

- a. Detached: The ADU is separated from the primary residential structure.
- b. Attached: The ADU is attached to the primary residential structure. An attached ADU may include the conversion of existing partially enclosed spaces (such as a covered patio) to an ADU that is attached to the primary residential structure.
- c. Space within Primary Residential Structure: The ADU is created within the space (e.g., primary bedroom, attached garage, storage area, or similar use) of an existing or proposed primary residential structure.
- d. Space within an Existing Accessory Structure: The ADU is created within the space of an existing accessory structure that is located on the lot of the primary residence.



#### **Sec. 8107-1.7.4 – ADUs and JADUs Allowed by Building Permit**

A complete application for a building permit shall be ministerially approved to allow an ADU and/or JADU that meets applicable Building Code and Fire Code requirements and the standards set forth in Sections 8107-1.7.4(a), (b), (c) or (d).

**a. Within Space of Single-Family Dwellings and Accessory Structures: One ADU and one JADU per lot is allowed if all the following standards are met:**

(1) The subject lot is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.

(2) Location of ADU and/or JADU:

(a) The ADU or JADU is created within a portion of the existing or proposed space of a single-family dwelling and has exterior access from the proposed or existing single-family dwelling; or

(b) The ADU is created within the existing space of an accessory structure, such as the conversion of garages and other accessory structures, either attached or detached from the primary dwelling. An existing accessory structure may include an expansion of not more than 150 square feet beyond its same physical dimensions, but such expansion shall be limited to accommodating ingress and egress to the ADU.

(3) The side and rear setbacks comply with applicable Building and Fire Code requirements, even if the existing side and rear setbacks are legal non-conforming.

(4) The JADU complies with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.

**b. New Detached ADU with an Existing or Proposed Single-Family Dwelling: One detached new construction ADU is allowed on a lot with a proposed or existing single-family dwelling and may be combined with a JADU if all the following standards are met:**

(1) The subject lot is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.

(2) The ADU's side and rear yard setbacks are at least four feet.

(3) The ADU does not exceed 850 square feet.

(4) The ADU's maximum building height above grade is 16 feet or less, as measured pursuant to Article 6 of this Chapter.

(5) The JADU complies with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.

**c. ADUs in Existing Multifamily Dwelling Structures: ADUs within portions of existing multifamily dwelling structures are allowed, and may be combined with detached ADUs pursuant to Section 8107-1.7.4(d), if all the following standards are met, even if the multifamily dwelling is legal nonconforming:**

- (1) The subject lot is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
- (2) Location of ADU:
- (a) The ADUs are created within portions of the existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. If there is no existing non-livable space within a multifamily dwelling structure, an ADU cannot be created pursuant to this Section 8107-1.7.4(c).
- (b) The non-livable space used to create an ADU pursuant to this Section 8107-1.7.4(c) on a lot with mixed-uses shall be limited to the residential areas, and shall not include the areas used for commercial or other non-residential activities. Parking and storage areas for non-residential uses shall also be excluded from potential ADU development pursuant to this Section 8107-1.7.4(c).
- (3) The maximum number of ADUs that may be created pursuant to this Section 8107-1.7.4(c) shall be at least one or the number of ADUs equal to up to 25 percent of the existing multifamily dwelling units, whichever is greater.
- d. **Detached ADUs with Existing Multifamily Dwelling:** Up to two detached ADUs are allowed on lots with an existing multifamily dwelling, and may be combined with ADUs created within multifamily dwellings pursuant to Section 8107-1.7.4(c), if all the following standards are met, even if the multifamily dwelling is legal nonconforming:
- (1) The subject lot is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
- (2) The ADUs maximum height above grade is 16 feet or less.
- (3) New construction ADUs shall not exceed 850 square feet.
- (4) The ADU's side- and rear-yard setbacks are at least four feet.
- e. **No Zoning Clearance Required:** No Zoning Clearance or other land use entitlement is required pursuant to this Chapter for an ADU or JADU authorized under this Section 8107-1.7.4.
- f. **Not Subject to Development Standards in Section 8107-1.7.5:** ADUs that meet the requirements of Section 8107-1.7.4(a), (b), (c), or (d) and are entitled to a building permit are not subject to the development standards of Section 8107-1.7.5, including size, height, setback, parking and lot coverage requirements.

**Sec. 8107-1.7.5 – Development Standards for ADUs Not Authorized under Section 8107-1.7.4**

ADUs that do not meet the standards under Section 8107-1.7.4 for approval by building permit shall be approved with a ministerial Zoning Clearance if the ADU meets Building Code and Fire Code requirements, the standards in this Section 8107-1.7.5 and other applicable zoning standards.

**a. Property Requirements:**

(1) The subject lot is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, CPD/CBD, OS, AE, or TP.

(2) The lot has a proposed or existing single-family or multifamily dwelling.

**b. Maximum Number of ADUs and JADUs per Lot:** Each lot may have one ADU if the standards of this Section 8107-1.7.5 are met, and one JADU if the standards of Section 8107-1.7.6 are met.

**c. Parking Standards:**

(1) No Parking Requirements: No parking standards apply for an ADU in any of the following instances:

(a) The ADU is located within one-half mile walking distance of public transit.

(b) The ADU is located within an architecturally and historically significant historic district.

(c) The ADU is part of the proposed or existing primary residence or an accessory structure.

(d) When on-street parking permits are required but not offered to the occupant of the ADU.

(e) When there is a car share vehicle, as defined by section 22507.1(d) of the Vehicle Code, located within one block of the ADU.

(2) Required Off-street Parking: Except as provided in Section 8107-1.7.5(c)(1), the following off-street parking standards shall apply:

(a) Number of Spaces. One covered or uncovered off-street parking space is required per ADU or per bedroom, whichever is less.

(b) Location of Spaces. Off-street parking may be provided as tandem parking on a driveway. Additionally, the parking space for an ADU may encroach into a required front and/or interior side setback, provided that:

i. The long dimension of the space is parallel to the centerline of the nearest driveway on the lot; and

ii. On interior lots, a minimum distance of three feet from the side lot line remains unobstructed by vehicles.

(3) No Off-Street Replacement Parking Required for Primary Residential Structure: When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those

off-street parking spaces do not need to be replaced for the primary dwelling. Additionally, no parking is required for a newly created ADU pursuant to Section 8107-1.7.5(c)(1)(c) above.

- d. **Height:** The maximum height of an ADU is 16 feet above grade unless the ADU is set back at least 20 feet from all property lines in which case it may exceed 16 feet but shall not exceed the maximum allowed building height of the primary dwelling unit on the lot, as measured pursuant to Article 6 of this Chapter.

e. **Setbacks:**

(1) No additional setbacks are required if any of the following are converted to an ADU or portion of an ADU: (a) an existing living area; (b) an existing accessory structure; or (c) a new structure constructed in the same building footprint and to the same dimensions as an existing structure. The provisions of Article 13 of this Chapter shall not apply in these situations. For purposes of this section, living area, as defined by Government Code section 65852.2(j)(4), means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(2) All other new attached and detached ADUs shall have four-foot setbacks from the rear and side lot lines.

- f. **Minimum Lot Size:** There is no minimum lot size requirement for an ADU or JADU.

g. **ADU Size for Attached and Detached ADUs:**

(1) For lots that are 9,000 square feet or less, the maximum total floor area of an attached or detached ADU shall be 850 square feet if there is one bedroom or an efficiency unit; or 1,000 square feet if there is more than one bedroom; or

(2) For lots that are larger than 9,000 square feet, but less than 10 acres, the maximum total floor area of an attached or detached ADU shall be 1,200 square feet; or

(3) For lots that are 10 acres in size or larger, the maximum total floor area of an attached or detached ADU shall be 1,800 square feet.

(4) Covered patios, decks, and garages below the ADU are not included in the total floor area computation but are counted toward the maximum allowable square footage allowed for "accessory structures to dwellings" in Sec. 8105-4.

- h. **ADUs Within Space of Single-Family Dwellings:** One ADU per lot is allowed within a proposed or existing single-family dwelling if the applicable standards of this Section 8107-1.7.5 and the following standards are met:

(1) The ADU is created within a portion of the existing or proposed space of a single-family dwelling and has independent exterior access;

(2) The ADU does not have internal access to the primary dwelling;

(3) The ADU does not exceed the size maximums for attached or detached ADUs set forth in Section 8107-1.7.5(g), as applicable; and

(4) The side and rear setbacks comply with applicable Building and Fire Code requirements.

i. **Accessory Structures:**

(1) No accessory structure shall be attached to a detached ADU unless the combined total floor area of the accessory structure and ADU does not exceed the allowable size of the ADU per Section 8107-1.7.5(g). This provision does not apply to ADUs built above a garage.

(2) An ADU attached to an accessory structure shall not have internal access to the accessory structure.

j. **Limited Exception to Development Standards:** Notwithstanding any other minimum or maximum size for an ADU, size that may be limited based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached ADUs, an ADU that is up to 850 square feet and up to 16 feet in height with four-foot side and rear setbacks may be constructed in compliance with all other applicable development standards.

**Sec. 8107-1.7.6 – JADU Requirements**

A JADU must comply with the following requirements:

a. **Number and Location:**

(1) The subject lot is within one of the following single-family residential zones: R1; R2; RES; RPD; RA; RE; or RO.

(2) One JADU is allowed per lot.

(3) The JADU must be created within the walls of a proposed or existing single-family dwelling, including attached garages, which are considered within the walls of the existing single-family dwelling.

(4) Lots with multiple detached single-family dwellings are not eligible to have a JADU.

(5) A JADU is not allowed in a multifamily dwelling.

(6) A JADU is not allowed in an accessory structure.

b. **Size:** The JADU shall not be larger than 500 square feet in total floor area.

c. **Kitchen:** The JADU must contain an efficiency kitchen that includes:

(1) Cooking facility with appliances, and

(2) A food preparation counter and storage cabinets.

d. **Entrance:** The JADU shall have a separate entrance from the main entrance to the proposed or existing single-family dwelling. An interior entry into the single-family dwelling is not required unless the JADU shares sanitation facilities with the single-family dwelling.

**e. Parking:**

(1) When a JADU is created by the conversion of an attached garage, replacement parking for the primary residential structure is required to be provided. The replacement parking can be uncovered onsite parking and can be located in the setbacks, provided that:

(a) The long dimension of the space is parallel to the centerline of the nearest driveway on the lot; and

(b) On interior lots, a minimum distance of three feet from the side lot line remains unobstructed by vehicles.

(2) Except as provided in Section 8107-1.7.6(e)(1), no additional parking is required for a JADU.

**f. Sanitation:** A JADU must either include separate sanitation facilities or share sanitation facilities with the single-family dwelling.

**Sec. 8107-1.7.7 – ADU and JADU Application Processing and General Requirements**

**a. Ministerial Permit Approval:**

(1) Permit applications for an ADU or JADU that meet the requirements of this Section 8107-1.7 shall be considered and approved ministerially without discretionary review or a hearing.

(2) Except for deviations processed and granted in accordance with Section 8107-37.3 (Deviations for Cultural Heritage Sites) and Section 8111-9 (Reasonable Housing Accommodations), or as required by state law, no variance to the standards or requirements of this Chapter is available for an ADU or JADU.

**b. Type of Permit:**

(1) Applications pursuant to Sections 8107-1.7.4 and 8107-1.7.6 shall be reviewed and approved with a building permit, if the applicable standards are met.

(2) Applications pursuant to Section 8107-1.7.5 shall be reviewed and approved with a Zoning Clearance, if the applicable standards are met.

**c. Nonconforming Zoning Violations:** Correction of nonconforming zoning conditions shall not be a condition to ministerial approval of an ADU or JADU application.

**d. Rentals, Owner Occupancy and Transfers:**

(1) Rentals: An ADU and JADU may each be rented separately from the primary residence.

(2) Rental Term: All ADUs and JADUs, and any portion thereof, that are rented shall be rented for terms that are longer than 30 consecutive days.

(3) Owner Occupancy

(a) Lot with ADU: For a lot with an ADU, the owner of the lot does not have to occupy the primary residence or ADU. However, if a single-family dwelling

has an ADU and a JADU, then the owner must occupy either the JADU or the remaining portion of the single-family dwelling in accordance with Section 8107-1.7.7(d)(3)(b).

(b) Lot with JADU: At the time of application for a JADU, the owner of the lot must reside in the single-family dwelling. Upon completion of construction of the JADU, the owner must occupy either the remaining portion of the single-family dwelling or the JADU. For purposes of this Section 8107-1.7.7(d)(3)(b), owner includes a beneficial owner when the property is owned by a trust or legal entity. Owner-occupancy, however, is not required if the owner is a governmental agency, land trust, or housing organization.

(4) Sales and Transfers: Except as provided in Government Code section 65852.26, an ADU may not be sold or otherwise conveyed separately from the primary residence. JADUs may not be sold or transferred separately from the single-family dwelling.

**e. Deed Restriction:**

(1) For ADUs: Upon approval of an ADU, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:

(a) Rentals of the ADU must be for a term that is longer than 30 consecutive days; and

(b) Except as provided in Government Code section 65852.26, the ADU may not be sold or otherwise conveyed separately from the primary residence.

(2) For JADUs: Upon approval of a JADU, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:

(a) Rentals of the JADU must be for a term that is longer than 30 consecutive days;

(b) A prohibition on the sale of the JADU separate from the sale of the single-family dwelling, including a statement that the deed restriction may be enforced against future purchasers; and

(c) A restriction on the size and attributes of the JADU that conforms with Section 8107-1.7.6 and Government Code section 65852.22.



**Article 7, Section 8107-37 – Cultural Heritage Sites**, of the Ventura County Ordinance Code, is hereby amended to read as follows:

**Sec. 8107-37 – Cultural Heritage Sites**

**Sec. 8107-37.3 – Range and Approval of Allowed Deviations**

To advance the purpose outlined in Sec. 8107-37.1, deviations from various standards and regulations of this chapter may be granted as part of a Planned Development permit. Deviations “a” and “k” may only be granted by the Planning Commission. All others may be granted by the Planning Director or their designee. (AM. ORD. 4282 - 5/20/03; AM. ORD. 4577 – 3/9/21 (grammar))

- a. Minimum Lot Area - Sec. 8103-0 (Purpose and Establishment of Zones and Minimum Lot Areas), Sec. 8103-1 et seq. (Establishment of Alternative Minimum Lot Area by Suffix), Sec. 8106-1.1 and Sec. 8106-1.2;
- b. Permit Approval Level - Sec. 8105-4 (Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage of significant historic structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- c. Permit Approval Level - Sec. 8105-5 (Permitted Uses in Commercial and Industrial Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage of structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- d. General Development Standards - Sec. 8106-1.1 (Development Standards for Uses and Structures in OS, AE, and R Zones); (AM. ORD. 4377 – 1/29/08)
- e. General Development Standards - Sec. 8106-1.2 (Development Standards for Uses and Structures in Commercial, Industrial, and Special Purpose Zones);
- f. Fences, Walls and Hedges - Sec. 8106-8.1 et seq.
- g. Accessory Dwelling Unit Standards - Sec. 8107-1.7 et seq. (*Accessory Dwelling Units and Junior Accessory Dwelling Units*); (AM. ORD. 4519-2/27/18)
- h. Parking Standards - Sec. 8108 et seq. (Parking and Loading Requirements); (AM. ORD. 4407 – 10/20/09)
- i. Landscaping Standards - Section 8106-8.2, Section 8108-5.14 and Section 8109-0.6 (Landscaping); (AM. ORD. 4407 – 10/20/09; AM. ORD. 4577 – 3/9/21)
- j. Signage - Sec. 8110-4a (Prohibited portable freestanding signs), Sec. 8110-4i (Prohibited Projecting Signs), Sec. 8110-5-2 et seq (Location); and
- k. Non-conforming Uses and Structures - Sec. 8113-5.2 (Uses Within Structures Subject to Amortization), Sec. 8113-5.2.1 (Expansion and Change of Use Prohibited), Sec. 8113-5.3 et seq (Uses Not Amortized), Sec. 8113-6.1 (Destruction, Uses Not Amortized), Sec. 8113-6.2 (Destruction, Uses Amortized), Sec. 8113-7 (Additional Use), Sec. 8113-8 (Use of Non-conforming Lots).

*[Staff Explanation: Proposed addition of Junior Accessory Dwelling Units in cultural heritage sites section for consistency with reference for Section 8107-1.7.]*

**Section 4**  
**ARTICLE 8:**  
**PARKING AND LOADING REQUIREMENTS**

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**Article 8, Section 8108-4.7 – Table of Parking Space Requirements by Land Use** of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated residential land uses:

**Sec. 8108-4.7 – Table of Parking Space Requirements by Land Use**

The table below indicates the number of required off-street motor vehicle and bicycle parking spaces that shall be provided for various land uses. For non-residential land uses, the number of motor vehicle parking spaces set forth in the table, plus or minus 10 percent of the total, represents the minimum required and the maximum allowed number of spaces, unless varied pursuant to Section 8108-4.8 below.

For residential land uses the number of motor vehicle parking spaces set forth in the table represents the minimum required number of spaces, unless varied pursuant to Section 8108-4.8 below. The number of motor vehicle parking spaces required in this section is intended to address the needs of residents, employees and regular users of an establishment. The number is not intended to reflect the need for parking large delivery trucks, vans or buses; storage of vehicle inventory; or other specialty parking needs related to the operation of specific land uses.

The Director has the authority to determine the parking space requirements for any land use not specifically listed based on the requirements for the most comparable land use.

LAND USE	MOTOR VEHICLE SPACES REQUIRED	BICYCLE SPACES REQUIRED
<b>RESIDENTIAL LAND USES</b>	<b>MINIMUM REQUIRED</b>	
Accessory Dwelling Units	1 covered/uncovered space (in addition to the spaces required for the <del>principal</del> <u>primary</u> dwelling unit)  No additional parking is required for accessory dwelling units that meet the provisions of Sec. <del>8107-1.7.2(e)</del> <u>8107-1.7.4</u> or Sec. <u>8107-1.7.5(c)(1)</u> .	
<u>Junior Accessory Dwelling Units</u>	<u>No parking is required for a Junior Accessory Dwelling Unit</u>  <u>Replacement parking for the primary residential structure is required pursuant to Sec. 8107-1.7.6(e)(1), if applicable.</u>	

LAND USE	MOTOR VEHICLE SPACES REQUIRED	BICYCLE SPACES REQUIRED
Single Family and Two-Family Dwellings <sup>1</sup>		
1-4 Bedrooms (per unit)	2 covered <sup>2</sup> spaces	
5 Bedrooms (per unit)	3 spaces (2 shall be covered <sup>2</sup> )	
6 or More Bedrooms (per unit)	4 spaces, (2 shall be covered <sup>2</sup> )	

~~<sup>1</sup>Replacement parking for the principal dwelling unit, as a result of the garage being demolished or converted to an accessory dwelling unit, may be located in any configuration on the same lot as the accessory dwelling unit and as uncovered or tandem spaces, pursuant to Sec. 8107-1.7.1(d) and Sec. 8107-1.7.2(h).~~

<sup>1</sup> Pursuant to Sec. 8107-1.7.5(c)(3), when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces do not need to be replaced.

<sup>2</sup> Except that on parcels larger than 1 acre located in OS, AE, RA, RE, RO, and TP zones, parking may be uncovered.

*[Staff Explanation: Proposed revisions for Accessory Dwelling Unit parking requirements for consistency with Section 8107-1.7.4 and Section 8107-1.7.5(c)(1) and Government Code section 65852.2. Additionally, staff proposes the addition of parking requirements for Junior Accessory Dwelling Units consistent with Section 8107-1.7.6(e)(1) and Government Code section 65852.22. Finally, staff proposes revisions to footnote 1 to be consistent with both abovementioned sections.]*

## Section 5

# ARTICLE 11:

## ENTITLEMENTS – PROCESS AND PROCEDURES

**Article 11, Section 8111-7.6 – Accessory Dwelling Unit Procedures within Sec. 8111-7 - Appeals** of the Ventura County Ordinance Code is hereby amended to read as follows:

### **Sec. 8111-7.6 - Accessory Dwelling Unit and Junior Accessory Dwelling Unit Procedures**

Notwithstanding any other provisions of this Article:

- No public hearings shall be conducted on applications for *accessory dwelling units* or *junior accessory dwelling units* under Sections 8105-4, 8107-1.7, and 8108-4.7. (AM. ORD. 4407 – 10/20/09)
- Decisions ~~of the Planning Director (or designee)~~ on *accessory dwelling units* and *junior accessory dwelling units* are final County decisions when rendered and are not subject to appeal.

*[Staff Explanation: Proposed addition of Junior Accessory Dwelling Units in appeals section for consistency with reference for Section 8107-1.7.]*

## Section 6

If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Ventura County Board of Supervisors hereby declares that it would have passed and adopted this ordinance, and each and all provisions hereof, irrespective of the fact that any one or more provisions may be deemed invalid or unconstitutional.

## Section 7

This ordinance shall become effective and operative 30 days after adoption.

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES: Supervisors \_\_\_\_\_

NOES: Supervisors \_\_\_\_\_

ABSENT: Supervisors \_\_\_\_\_

\_\_\_\_\_  
CHAIR, BOARD OF SUPERVISORS

ATTEST:

SEVET JOHNSON

Interim Clerk of the Board of Supervisors

County of Ventura, State of California

By \_\_\_\_\_  
Deputy Clerk of the Board

# EXHIBIT 5

## Proposed Ordinance amending Articles 2, 5, 7, 8 and 11 of the Non- Coastal Zoning Ordinance (clean version)

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL20-0023)

County of Ventura  
Planning Commission Hearing  
Case No. PL20-0023  
Exhibit 5 - Proposed Ordinance amending  
Articles 2, 5, 7, 8 and 11 of the Non-Coastal  
Zoning Ordinance  
(clean version)

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF  
CALIFORNIA, AMENDING DIVISION 8, CHAPTER 1, ARTICLES 2, 5, 7, 8,  
AND 11 OF THE VENTURA COUNTY ORDINANCE CODE, NON-COASTAL  
ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNITS  
AND JUNIOR ACCESSORY DWELLING UNITS

The Board of Supervisors of the County of Ventura ("County") ordains as follows:

Section 1

**ARTICLE 2:  
DEFINITIONS**

---

**Article 2, Section 8102-0 – Application of Definitions**, of the Ventura County Ordinance Code is hereby amended by revising the following existing definition to read as follows:

Dwelling Unit, Accessory (ADU) - An attached or a detached residential *dwelling* unit, or a unit within the existing space of a primary *dwelling* unit, which provides complete independent living facilities for one or more persons and is located on a *lot* with a proposed or existing primary *dwelling*. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same *lot* as the proposed or existing *single-family or multifamily dwelling*. An accessory dwelling unit also includes the following:

- (a) An efficiency unit, as defined in section 17958.1 of the Health and Safety Code; and
- (b) A manufactured home, as defined in section 18007 of the Health and Safety Code.

**Article 2, Section 8102-0 – Application of Definitions**, of the Ventura County Ordinance Code is hereby amended by adding the following definition:

Dwelling Unit, Junior Accessory (JADU) - A *dwelling* unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family *dwelling*. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.



## Section 2

# ARTICLE 5:

# USES AND STRUCTURES BY ZONE

---

**Article 5, Section 8105-4 - Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones**, of the Ventura County Ordinance Code, is hereby amended to read as follows with respect to the below-stated land uses relating to Accessory Dwelling Units and Junior Accessory Dwelling Units:

### Sec. 8105-4 – Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<b>DWELLINGS (43)</b>											
Dwellings, Single-Family * (Mobilehomes - See Sec. 8107-1.3)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD		ZC	
Mobilehome, Continuing Nonconforming (15)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	
Dwellings, Two-Family, Or Two Single-Family Dwellings							ZC	PD			
Dwellings, Multi-Family (42)(43)(44)								PD	ZC		
Accessory Dwellings											
Accessory Dwelling Unit (ADU)	Pursuant to Sec. 8107-1.7										
Junior Accessory Dwelling Unit (JADU)	Pursuant to Sec. 8107-1.7										
Employee Housing (55)	See Sec. 8107-26										
Agricultural Employee Housing											
Maximum of 4 dwelling units	ZC	ZC	ZC							ZC	
More than 4 dwelling units or not meeting standards established by Sec. 8107-26.3	PD	PD	PD							PD	
Other Employee Housing (6 or fewer employees)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD		ZC	

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<i>Farmworker Housing Complex (55)</i>	PD	PD	PD								
Farmworker Group Quarters (55)	PD	PD	PD								
Dwellings, Accessory Structures To											
Buildings For Human Habitation: (3, 19)											
temporary housing during construction/prior to reconstruction* (19, 42, 50)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	

*\*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.*

<b>E</b> = Exempt	<b>ZCW</b> = Zoning Clearance with signed waivers	<b>Not Allowed</b>	Exempt	Approved by <i>Planning Director</i> or Designee	Approved by Planning Commission	Approved by Board of Supervisors
<b>ZC</b> = Zoning Clearance unless specifically exempted	<b>PD</b> = Planned <i>Development</i> Permit					
	<b>CUP</b> = Conditional Use Permit					

### Section 3

## ARTICLE 7:

## STANDARDS FOR SPECIFIC USES

**Article 7, Section 8107-1.7 – Accessory Dwelling Units**, of the Ventura County Ordinance Code, is hereby repealed and reenacted to read as follows:

### 8107-1.7 – Accessory Dwelling Units and Junior Accessory Dwelling Units

#### Sec. 8107-1.7.1 – Purpose

The purpose of this Section 8107-1.7 is to allow and regulate *accessory dwelling units (ADUs)* and *junior accessory dwelling units (JADUs)* in compliance with Government Code sections 65852.2 and 65852.22, as may be amended. Pursuant to Government Code section 65852.2, an *ADU* permitted through this Section 8107-1.7 does not exceed the allowable density for the *lot* upon which the *ADU* is located; and an *ADU* is a residential use that shall be deemed consistent with the existing general plan and zoning designation for the *lot*. If any provision of this Section 8107-1.7 or the underlying zoning district standards conflicts with state law, the latter shall govern.

## **Sec. 8107-1.7.2 – Definitions**

As used in this Section 8107-1.7, the following definitions shall apply:

Accessory Structure - A structure that is accessory and incidental to a *dwelling* located on the same *lot* as defined in Government Code section 65852.2(j)(2), as may be amended.

Existing - Space, units, or structures that are legally permitted or legal non-conforming.

Nonconforming Zoning Condition - A physical improvement on a property that does not conform with current zoning standards as defined in Government Code section 65852.2(j)(6), as may be amended.

Passageway - A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the *accessory dwelling unit* as defined in Government Code section 65852.2(j)(7), as may be amended.

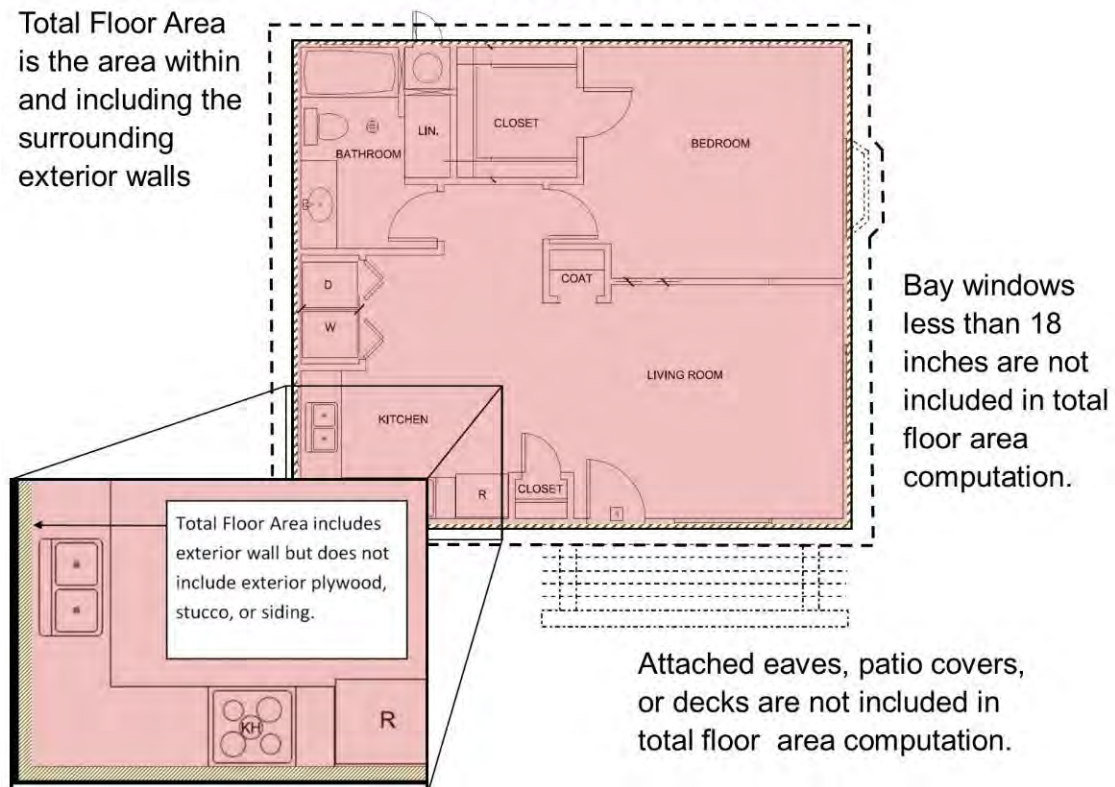
Proposed Dwelling - A *dwelling* that is the subject of a permit application and that meets the requirements for permitting as defined in Government Code section 65852.2(j)(8), as may be amended.

Public Transit - A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public as defined in Government Code section 65852.2(j)(9), as may be amended.

Tandem Parking - A parking configuration where two or more automobiles are parked on a driveway or in any other location on a *lot*, lined up behind one another as defined in Government Code section 65852.2(j)(10), as may be amended.

Total Floor Area - Shall have the same definition as “building area” as set forth in Title 24, Part 2, Chapter 2 of the California Building Code, as may be amended, which states: “The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.” However, the computation of total floor area for *ADUs* shall not include: any eave or architectural feature; attached covered patio or deck; an open deck constructed at or below the level of the first floor; a balcony or the space below a cantilevered balcony; the space below an open and unenclosed stairway; a garage that is below the *ADU* when there is no internal access from the garage to the *ADU*; or a bay window that does not extend to the floor or protrude more than 18 inches from the adjoining exterior wall, as illustrated in Figure 1.

**Figure 1**



### **Sec. 8107-1.7.3 – Types of Accessory Dwelling Units**

An *ADU* may be created in the following forms:

- a. Detached: The *ADU* is separated from the primary residential structure.
- b. Attached: The *ADU* is attached to the primary residential structure. An attached *ADU* may include the conversion of existing partially enclosed spaces (such as a covered patio) to an *ADU* that is attached to the primary residential structure.
- c. Space within Primary Residential Structure: The *ADU* is created within the space (e.g., primary bedroom, attached garage, storage area, or similar use) of an existing or proposed primary residential structure.
- d. Space within an Existing Accessory Structure: The *ADU* is created within the space of an existing accessory structure that is located on the lot of the primary residence.

### **Sec. 8107-1.7.4 – ADUs and JADUs Allowed by Building Permit**

A complete application for a building permit shall be ministerially approved to allow an *ADU* and/or *JADU* that meets applicable Building Code and Fire Code requirements and the standards set forth in Sections 8107-1.7.4(a), (b), (c) or (d).

- a. **Within Space of *Single-Family Dwellings* and Accessory Structures:** One *ADU* and one *JADU* per lot is allowed if all the following standards are met:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.
  - (2) Location of *ADU* and/or *JADU*:
    - (a) The *ADU* or *JADU* is created within a portion of the existing or proposed space of a *single-family dwelling* and has exterior access from the proposed or existing *single-family dwelling*; or
    - (b) The *ADU* is created within the existing space of an accessory structure, such as the conversion of garages and other accessory structures, either attached or detached from the primary dwelling. An existing accessory structure may include an expansion of not more than 150 square feet beyond its same physical dimensions, but such expansion shall be limited to accommodating ingress and egress to the *ADU*.
  - (3) The side and rear *setbacks* comply with applicable Building and Fire Code requirements, even if the existing side and rear setbacks are legal non-conforming.
  - (4) The *JADU* complies with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.
- b. **New Detached *ADU* with an Existing or Proposed *Single-Family Dwelling*:** One detached new construction *ADU* is allowed on a *lot* with a proposed or existing *single-family dwelling* and may be combined with a *JADU* if all the following standards are met:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.
  - (2) The *ADU*'s side and rear yard *setbacks* are at least four feet.
  - (3) The *ADU* does not exceed 850 square feet.
  - (4) The *ADU*'s maximum building height above grade is 16 feet or less, as measured pursuant to Article 6 of this Chapter.
  - (5) The *JADU* complies with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.
- c. ***ADUs* in Existing *Multifamily Dwelling* Structures:** *ADUs* within portions of existing *multifamily dwelling* structures are allowed, and may be combined with detached *ADUs* pursuant to Section 8107-1.7.4(d), if all the following standards are met, even if the *multifamily dwelling* is legal nonconforming:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
  - (2) Location of *ADU*:
    - (a) The *ADUs* are created within portions of the existing *multifamily dwelling* structures that are not used as livable space, including, but not limited to,

storage rooms, boiler rooms, passageways, attics, basements, or garages. If there is no existing non-livable space within a *multifamily dwelling* structure, an *ADU* cannot be created pursuant to this Section 8107-1.7.4(c).

- (b) The non-livable space used to create an *ADU* pursuant to this Section 8107-1.7.4(c) on a lot with mixed-uses shall be limited to the residential areas, and shall not include the areas used for commercial or other non-residential activities. Parking and storage areas for non-residential uses shall also be excluded from potential *ADU* development pursuant to this Section 8107-1.7.4(c).

- (3) The maximum number of *ADUs* that may be created pursuant to this Section 8107-1.7.4(c) shall be at least one or the number of *ADUs* equal to up to 25 percent of the existing *multifamily dwelling* units, whichever is greater.

- d. **Detached *ADUs* with Existing *Multifamily Dwelling*:** Up to two detached *ADUs* are allowed on *lots* with an existing *multifamily dwelling*, and may be combined with *ADUs* created within *multifamily dwellings* pursuant to Section 8107-1.7.4(c), if all the following standards are met, even if the *multifamily dwelling* is legal nonconforming:

- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
- (2) The *ADUs* maximum height above grade is 16 feet or less.
- (3) New construction *ADUs* shall not exceed 850 square feet.
- (4) The *ADU's* side- and rear-yard *setbacks* are at least four feet.

- e. **No Zoning Clearance Required:** No Zoning Clearance or other land use entitlement is required pursuant to this Chapter for an *ADU* or *JADU* authorized under this Section 8107-1.7.4.

- f. **Not Subject to Development Standards in Section 8107-1.7.5:** *ADUs* that meet the requirements of Section 8107-1.7.4(a), (b), (c), or (d) and are entitled to a building permit are not subject to the development standards of Section 8107-1.7.5, including size, height, *setback*, parking and *lot* coverage requirements.

#### **Sec. 8107-1.7.5 – Development Standards for *ADUs* Not Authorized under Section 8107-1.7.4**

*ADUs* that do not meet the standards under Section 8107-1.7.4 for approval by building permit shall be approved with a ministerial Zoning Clearance if the *ADU* meets Building Code and Fire Code requirements, the standards in this Section 8107-1.7.5 and other applicable zoning standards.

- a. **Property Requirements:**

- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, CPD/CBD, OS, AE, or TP.
- (2) The *lot* has a proposed or existing *single-family* or *multifamily dwelling*.

- b. **Maximum Number of ADUs and JADUs per Lot:** Each *lot* may have one *ADU* if the standards of this Section 8107-1.7.5 are met, and one *JADU* if the standards of Section 8107-1.7.6 are met.
- c. **Parking Standards:**
- (1) No Parking Requirements: No parking standards apply for an *ADU* in any of the following instances:
- (a) The *ADU* is located within one-half mile walking distance of public transit.
  - (b) The *ADU* is located within an architecturally and historically significant historic district.
  - (c) The *ADU* is part of the proposed or existing primary residence or an accessory structure.
  - (d) When on-street parking permits are required but not offered to the occupant of the *ADU*.
  - (e) When there is a car share vehicle, as defined by section 22507.1(d) of the Vehicle Code, located within one block of the *ADU*.
- (2) Required Off-street Parking: Except as provided in Section 8107-1.7.5(c)(1), the following off-street parking standards shall apply:
- (a) Number of Spaces. One covered or uncovered off-street parking space is required per *ADU* or per bedroom, whichever is less.
  - (b) Location of Spaces. Off-street parking may be provided as tandem parking on a driveway. Additionally, the parking space for an *ADU* may encroach into a required front and/or interior side *setback*, provided that:
    - i. The long dimension of the space is parallel to the centerline of the nearest driveway on the *lot*; and
    - ii. On *interior lots*, a minimum distance of three feet from the side *lot line* remains unobstructed by vehicles.
- (3) No Off-Street Replacement Parking Required for Primary Residential Structure: When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an *ADU* or converted to an *ADU*, those off-street parking spaces do not need to be replaced for the primary dwelling. Additionally, no parking is required for a newly created *ADU* pursuant to Section 8107-1.7.5(c)(1)(c) above.
- d. **Height:** The maximum height of an *ADU* is 16 feet above *grade* unless the *ADU* is set back at least 20 feet from all property lines in which case it may exceed 16 feet but shall not exceed the maximum allowed building height of the primary dwelling unit on the *lot*, as measured pursuant to Article 6 of this Chapter.
- e. **Setbacks:**
- (1) No additional *setbacks* are required if any of the following are converted to an *ADU* or portion of an *ADU*: (a) an existing living area; (b) an existing accessory



structure; or (c) a new structure constructed in the same building footprint and to the same dimensions as an existing structure. The provisions of Article 13 of this Chapter shall not apply in these situations. For purposes of this section, living area, as defined by Government Code section 65852.2(j)(4), means the interior habitable area of a *dwelling* unit, including basements and attics, but does not include a garage or any accessory structure.

(2) All other new attached and detached *ADUs* shall have four-foot *setbacks* from the rear and side *lot lines*.

f. **Minimum Lot Size:** There is no minimum *lot* size requirement for an *ADU* or *JADU*.

g. ***ADU* Size for Attached and Detached *ADUs*:**

(1) For *lots* that are 9,000 square feet or less, the maximum total floor area of an attached or detached *ADU* shall be 850 square feet if there is one bedroom or an efficiency unit; or 1,000 square feet if there is more than one bedroom; or

(2) For *lots* that are larger than 9,000 square feet, but less than 10 acres, the maximum total floor area of an attached or detached *ADU* shall be 1,200 square feet; or

(3) For *lots* that are 10 acres in size or larger, the maximum total floor area of an attached or detached *ADU* shall be 1,800 square feet.

(4) Covered patios, decks, and garages below the *ADU* are not included in the total floor area computation but are counted toward the maximum allowable square footage allowed for “accessory structures to dwellings” in Sec. 8105-4.

h. ***ADUs* Within Space of Single-Family Dwellings:** One *ADU* per *lot* is allowed within a proposed or existing *single-family dwelling* if the applicable standards of this Section 8107-1.7.5 and the following standards are met:

(1) The *ADU* is created within a portion of the existing or proposed space of a *single-family dwelling* and has independent exterior access;

(2) The *ADU* does not have internal access to the primary dwelling;

(3) The *ADU* does not exceed the size maximums for attached or detached *ADUs* set forth in Section 8107-1.7.5(g), as applicable; and

(4) The side and rear *setbacks* comply with applicable Building and Fire Code requirements.

i. **Accessory Structures:**

(1) No accessory structure shall be attached to a detached *ADU* unless the combined total floor area of the accessory structure and *ADU* does not exceed the allowable size of the *ADU* per Section 8107-1.7.5(g). This provision does not apply to *ADUs* built above a garage.

(2) An *ADU* attached to an accessory structure shall not have internal access to the accessory structure.

- j. **Limited Exception to Development Standards:** Notwithstanding any other minimum or maximum size for an *ADU*, size that may be limited based upon a percentage of the proposed or existing primary dwelling, or limits on *lot* coverage, floor area ratio, open space, and minimum *lot* size, for either attached or detached *ADUs*, an *ADU* that is up to 850 square feet and up to 16 feet in height with four-foot side and rear *setbacks* may be constructed in compliance with all other applicable development standards.

#### **Sec. 8107-1.7.6 – JADU Requirements**

A *JADU* must comply with the following requirements:

a. **Number and Location:**

- (1) The subject *lot* is within one of the following single-family residential zones: R1; R2; RES; RPD; RA; RE; or RO.
- (2) One *JADU* is allowed per *lot*.
- (3) The *JADU* must be created within the walls of a proposed or existing *single-family dwelling*, including attached garages, which are considered within the walls of the existing *single-family dwelling*.
- (4) *Lots* with multiple detached *single-family dwellings* are not eligible to have a *JADU*.
- (5) A *JADU* is not allowed in a *multifamily dwelling*.
- (6) A *JADU* is not allowed in an accessory structure.

b. **Size:** The *JADU* shall not be larger than 500 square feet in total floor area.

c. **Kitchen:** The *JADU* must contain an efficiency *kitchen* that includes:

- (1) Cooking facility with appliances, and
- (2) A food preparation counter and storage cabinets.

d. **Entrance:** The *JADU* shall have a separate entrance from the main entrance to the proposed or existing *single-family dwelling*. An interior entry into the *single-family dwelling* is not required unless the *JADU* shares sanitation facilities with the *single-family dwelling*.

e. **Parking:**

- (1) When a *JADU* is created by the conversion of an attached garage, replacement parking for the primary residential structure is required to be provided. The replacement parking can be uncovered onsite parking and can be located in the *setbacks*, provided that:
  - (a) The long dimension of the space is parallel to the centerline of the nearest driveway on the *lot*; and
  - (b) On *interior lots*, a minimum distance of three feet from the side *lot line* remains unobstructed by vehicles.
- (2) Except as provided in Section 8107-1.7.6(e)(1), no additional parking is required for a *JADU*.

- f. **Sanitation:** A *JADU* must either include separate sanitation facilities or share sanitation facilities with the *single-family dwelling*.

## **Sec. 8107-1.7.7 – ADU and JADU Application Processing and General Requirements**

### **a. Ministerial Permit Approval:**

- (1) Permit applications for an *ADU* or *JADU* that meet the requirements of this Section 8107-1.7 shall be considered and approved ministerially without discretionary review or a hearing.
- (2) Except for deviations processed and granted in accordance with Section 8107-37.3 (Deviations for Cultural Heritage Sites) and Section 8111-9 (Reasonable Housing Accommodations), or as required by state law, no variance to the standards or requirements of this Chapter is available for an *ADU* or *JADU*.

### **b. Type of Permit:**

- (1) Applications pursuant to Sections 8107-1.7.4 and 8107-1.7.6 shall be reviewed and approved with a building permit, if the applicable standards are met.
- (2) Applications pursuant to Section 8107-1.7.5 shall be reviewed and approved with a Zoning Clearance, if the applicable standards are met.

- c. **Nonconforming Zoning Violations:** Correction of nonconforming zoning conditions shall not be a condition to ministerial approval of an *ADU* or *JADU* application.

### **d. Rentals, Owner Occupancy and Transfers:**

- (1) Rentals: An *ADU* and *JADU* may each be rented separately from the primary residence.
- (2) Rental Term: All *ADUs* and *JADUs*, and any portion thereof, that are rented shall be rented for terms that are longer than 30 consecutive days.
- (3) Owner Occupancy
  - (a) Lot with ADU: For a *lot* with an *ADU*, the owner of the *lot* does not have to occupy the primary residence or *ADU*. However, if a *single-family dwelling* has an *ADU* and a *JADU*, then the owner must occupy either the *JADU* or the remaining portion of the *single-family dwelling* in accordance with Section 8107-1.7.7(d)(3)(b).
  - (b) Lot with JADU: At the time of application for a *JADU*, the owner of the *lot* must reside in the *single-family dwelling*. Upon completion of construction of the *JADU*, the owner must occupy either the remaining portion of the *single-family dwelling* or the *JADU*. For purposes of this Section 8107-1.7.7(d)(3)(b), owner includes a beneficial owner when the property is owned by a trust or legal entity. Owner-occupancy, however, is not required if the owner is a governmental agency, land trust, or housing organization.

- (4) Sales and Transfers: Except as provided in Government Code section 65852.26, an *ADU* may not be sold or otherwise conveyed separately from the primary residence. *JADUs* may not be sold or transferred separately from the *single-family dwelling*.

e. **Deed Restriction:**

- (1) For ADUs: Upon approval of an *ADU*, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:
- (a) Rentals of the *ADU* must be for a term that is longer than 30 consecutive days; and
  - (b) Except as provided in Government Code section 65852.26, the *ADU* may not be sold or otherwise conveyed separately from the primary residence.
- (2) For JADUs: Upon approval of a *JADU*, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:
- (a) Rentals of the *JADU* must be for a term that is longer than 30 consecutive days;
  - (b) A prohibition on the sale of the *JADU* separate from the sale of the *single-family dwelling*, including a statement that the deed restriction may be enforced against future purchasers; and
  - (c) A restriction on the size and attributes of the *JADU* that conforms with Section 8107-1.7.6 and Government Code section 65852.22.

**Article 7, Section 8107-37 – Cultural Heritage Sites**, of the Ventura County Ordinance Code, is hereby amended to read as follows:

**Sec. 8107-37 – Cultural Heritage Sites**

**Sec. 8107-37.3 – Range and Approval of Allowed Deviations**

To advance the purpose outlined in Sec. 8107-37.1, deviations from various standards and regulations of this chapter may be granted as part of a Planned Development permit. Deviations “a” and “k” may only be granted by the Planning Commission. All others may be granted by the Planning Director or their designee. (AM. ORD. 4282 - 5/20/03; AM. ORD. 4577 – 3/9/21 (grammar))

- a. Minimum Lot Area - Sec. 8103-0 (Purpose and Establishment of Zones and Minimum Lot Areas), Sec. 8103-1 et seq. (Establishment of Alternative Minimum Lot Area by Suffix), Sec. 8106-1.1 and Sec. 8106-1.2;

- b. Permit Approval Level - Sec. 8105-4 (Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage of significant historic structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- c. Permit Approval Level - Sec. 8105-5 (Permitted Uses in Commercial and Industrial Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage of structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- d. General Development Standards - Sec. 8106-1.1 (Development Standards for Uses and Structures in OS, AE, and R Zones); (AM. ORD. 4377 – 1/29/08)
- e. General Development Standards - Sec. 8106-1.2 (Development Standards for Uses and Structures in Commercial, Industrial, and Special Purpose Zones);
- f. Fences, Walls and Hedges - Sec. 8106-8.1 et seq.
- g. Accessory Dwelling Unit Standards - Sec. 8107-1.7 et seq. (*Accessory Dwelling Units and Junior Accessory Dwelling Units*); (AM. ORD. 4519-2/27/18)
- h. Parking Standards - Sec. 8108 et seq. (Parking and Loading Requirements); (AM. ORD. 4407 – 10/20/09)
- i. Landscaping Standards - Section 8106-8.2, Section 8108-5.14 and Section 8109-0.6 (Landscaping); (AM. ORD. 4407 – 10/20/09; AM. ORD. 4577 – 3/9/21)
- j. Signage - Sec. 8110-4a (Prohibited portable freestanding signs), Sec. 8110-4i (Prohibited Projecting Signs), Sec. 8110-5-2 et seq (Location); and
- k. Non-conforming Uses and Structures - Sec. 8113-5.2 (Uses Within Structures Subject to Amortization), Sec. 8113-5.2.1 (Expansion and Change of Use Prohibited), Sec. 8113-5.3 et seq (Uses Not Amortized), Sec. 8113-6.1 (Destruction, Uses Not Amortized), Sec. 8113-6.2 (Destruction, Uses Amortized), Sec. 8113-7 (Additional Use), Sec. 8113-8 (Use of Non-conforming Lots).

## Section 4

# ARTICLE 8:

## PARKING AND LOADING REQUIREMENTS

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**Article 8, Section 8108-4.7 – Table of Parking Space Requirements by Land Use** of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated residential land uses:

### **Sec. 8108-4.7 – Table of Parking Space Requirements by Land Use**

The table below indicates the number of required off-street motor vehicle and bicycle parking spaces that shall be provided for various land uses. For non-residential land uses, the number

of motor vehicle parking spaces set forth in the table, plus or minus 10 percent of the total, represents the minimum required and the maximum allowed number of spaces, unless varied pursuant to Section 8108-4.8 below.

For residential land uses the number of motor vehicle parking spaces set forth in the table represents the minimum required number of spaces, unless varied pursuant to Section 8108-4.8 below. The number of motor vehicle parking spaces required in this section is intended to address the needs of residents, employees and regular users of an establishment. The number is not intended to reflect the need for parking large delivery trucks, vans or buses; storage of vehicle inventory; or other specialty parking needs related to the operation of specific land uses.

The Director has the authority to determine the parking space requirements for any land use not specifically listed based on the requirements for the most comparable land use.

<b>LAND USE</b>	<b>MOTOR VEHICLE SPACES REQUIRED</b>	<b>BICYCLE SPACES REQUIRED</b>
<b>RESIDENTIAL LAND USES</b>	<b>MINIMUM REQUIRED</b>	
Accessory Dwelling Units	1 covered/uncovered space (in addition to the spaces required for the primary dwelling unit)  No additional parking is required for accessory dwelling units that meet the provisions of Sec. 8107-1.7.4 or Sec. 8107-1.7.5(c)(1).	
Junior Accessory Dwelling Units	No parking is required for a Junior Accessory Dwelling Unit  Replacement parking for the primary residential structure is required pursuant to Sec. 8107-1.7.6(e)(1), if applicable.	
Single Family and Two-Family Dwellings <sup>1</sup>		
<i>1-4 Bedrooms (per unit)</i>	2 covered <sup>2</sup> spaces	
<i>5 Bedrooms (per unit)</i>	3 spaces (2 shall be covered <sup>2</sup> )	
<i>6 or More Bedrooms (per unit)</i>	4 spaces, (2 shall be covered <sup>2</sup> )	

<sup>1</sup> Pursuant to Sec. 8107-1.7.5(c)(3), when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces do not need to be replaced.

<sup>2</sup> Except that on parcels larger than 1 acre located in OS, AE, RA, RE, RO, and TP zones, parking may be uncovered.

Section 5

**ARTICLE 11:**  
**ENTITLEMENTS – PROCESS AND PROCEDURES**

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**Article 11, Section 8111-7.6 – Accessory Dwelling Unit Procedures within Sec. 8111-7 - Appeals** of the Ventura County Ordinance Code is hereby amended to read as follows:

**Sec. 8111-7.6 - Accessory Dwelling Unit and Junior Accessory Dwelling Unit Procedures**

Notwithstanding any other provisions of this Article:

- a. No public hearings shall be conducted on applications for *accessory dwelling units* or *junior accessory dwelling units* under Sections 8105-4, 8107-1.7, and 8108-4.7. (AM. ORD. 4407 – 10/20/09)
- b. Decisions on *accessory dwelling units* and *junior accessory dwelling units* are final County decisions when rendered and are not subject to appeal.

Section 6

If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Ventura County Board of Supervisors hereby declares that it would have passed and adopted this ordinance, and each and all provisions hereof, irrespective of the fact that any one or more provisions may be deemed invalid or unconstitutional.

Section 7

This ordinance shall become effective and operative 30 days after adoption.

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES: Supervisors \_\_\_\_\_

NOES: Supervisors \_\_\_\_\_

ABSENT: Supervisors \_\_\_\_\_



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CHAIR, BOARD OF SUPERVISORS

ATTEST:

SEVET JOHNSON

Interim Clerk of the Board of Supervisors  
County of Ventura, State of California

By \_\_\_\_\_  
Deputy Clerk of the Board

# EXHIBIT 6

## Summary of ADU Laws and History of ADUs in the County of Ventura

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL20-0023)

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# **Summary of ADU Laws and History of ADUs in the County of Ventura**

## **THE 2003 SECOND DWELLING UNIT ORDINANCE**

In 2003, the County adopted a Second Dwelling Unit Ordinance that identified permitting and development standards for second units on properties that met certain criteria. The ordinance allowed for the creation of small second dwelling units, sometimes referred to as “granny flats” or “In-law units”, on certain residential properties; “second units” were the precursor to “accessory dwelling units” (ADUs). The 2003 ordinance was in effect until an urgency ordinance was passed in March 2017 to address the 2017/18 ADU Laws; the urgency ordinance was replaced by the County’s 2018 ADU Ordinance as described below.

## **THE 2017/18 ADU LAWS**

Assembly Bill (AB) 2299, Senate Bill (SB) 1069, AB 494, and SB 229 (collectively the “2017/18 ADU Laws”) amended Government Code section 65852.2, the primary statute governing ADUs, to promote the construction of more ADUs. These acts also replaced the nomenclature “second dwelling unit” with “accessory dwelling unit”.

The 2017/18 ADU Laws made significant changes to state law by reducing barriers to the construction of ADUs. The 2017/18 ADU Laws required ministerial approval of ADUs and established maximum standards that local agencies must use to evaluate proposed ADUs. These laws significantly limited a local agency’s ability to restrict or prohibit ADUs. Local agencies were, however, still allowed to designate areas where ADUs could be prohibited or restricted based on the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety.

In addition to other mandatory requirements, the 2017/18 ADU Laws required local agencies to ministerially approve building permit applications for certain ADUs. To qualify for approval with only a building permit, the ADU had to be created within the existing space of an existing single-family dwelling or accessory structure located in a residential zone, with independent exterior access and side and rear setbacks sufficient for fire safety (“Mandatory Interior ADUs”). Importantly, no other ADU development standards could be applied to Mandatory Interior ADUs, including, for example, impact area restrictions for groundwater quality and traffic. All other ADUs (those not meeting the criteria of a Mandatory Interior ADU) were required to be approved ministerially (e.g., through a Zoning Clearance) and could be subject to local ADU development standards, including impact area restrictions, consistent with the 2017/18 ADU Laws. In addition to the 2017/18 ADU Laws, AB 2406 added section 65852.22 to the Government Code in 2016 (the “JADU Law”) which authorized the creation of another type of small interior unit known as a “junior accessory dwelling unit” (JADU). Pursuant to the JADU Law, local jurisdictions could opt to allow JADUs, but were not required to do so.

## THE 2018 ADU ORDINANCE

On February 27, 2018, the County amended its then-existing Second Dwelling Unit Ordinance to comply with the 2017/18 ADU Laws. The Board of Supervisors hearing materials from February 2018<sup>1</sup> includes a detailed summary of the adopted ordinance. Below is a summary of the key provisions of the 2018 ADU Ordinance:

Mandatory Interior ADUs. As mentioned above, to comply with the 2017/18 Laws, ADUs created within an existing single-family dwelling or accessory structure were allowed with only a building permit if certain criteria were met.

Size of ADUs. The 2018 ADU Ordinance regulated the size of ADUs based in part on minimum lot size, total square footage, and their location (i.e., within or outside an Impact Area).

Parking Requirements. The 2017/18 ADU Laws limited the number of parking spaces that could be required, as reflected in the 2018 ADU Ordinance.

Owner Occupancy. The owner of the property was required to reside in the ADU or the primary dwelling unit.

JADU. The 2018 ADU Ordinance did not include provisions for JADUs.

Impact Areas. The 2018 ADU Ordinance carried over provisions from the former Second Dwelling Unit Ordinance, which, beginning in 2003, identified and regulated ADU development in two impact areas: the Arroyo Santa Rosa/Tierra Rejada (ASR/TR) Groundwater Quality Impact Area and the Ojai Traffic Impact Area (collectively, "Impact Areas").

The ASR/TR Groundwater Impact Area restricted lot size for ADUs based on excess nitrates in the groundwater. As a result, limitations based on bedroom equivalency, total square footage of the ADU, and lot area were implemented to protect against additional impacts by high nitrates in groundwater supplies while still allowing for ADUs. The Ojai Traffic Impact Area restricted ADUs based on the number of bedrooms, total square footage of the ADU, and lot area to reduce traffic flow impacts.

## New ADU LAWS

Since the 2018 ADU Ordinance was adopted, many additional laws including, for example, AB 1584, AB 345, AB 3182, SB 1030, SB 1371, AB 881, AB 68, SB 13, AB 587, AB 670, and AB 671 (collectively the "New ADU Laws") have been enacted to further reduce barriers to the development and use of ADUs and JADUs. These laws have resulted in significant amendments to Government Code section 65852.2 pertaining to ADUs, and to Government Code section 65852.22 pertaining to JADUs.

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<sup>1</sup> Board of Supervisor Hearing Materials for 2018 ADU ordinance, adopted February 27, 2018: <https://ventura.primegov.com/portal/item?id=128073>

Outlined below are the significant changes to the 2017/18 ADU Laws that were in effect at the time the 2018 ADU Ordinance was adopted, with reference to the statutory changes and ordinance sections where the statutory changes are implemented.

**Expansion of Types and Numbers of ADUs and JADUs Allowed by Approval of Ministerial Building Permit with No Development Standards Applied**

The New ADU Laws have, among other changes, greatly expanded the type and number of ADUs and JADUs that must be approved by building permit only and that are not subject to local development standards (Building Permit ADUs and JADUs).

As noted above, the 2017/18 ADU Laws only required Mandatory Interior ADUs to be approved with only a building permit. The new Building Permit ADUs and JADUs are summarized below with citations to the Proposed Ordinance sections that address these requirements.

- 1) Up to One ADU and One JADU Per Lot with a Proposed or Existing Single-Family Dwelling.** (Gov. Code, § 65852.2(e)(1)(A); Sec. 8107-1.7.4(a)) An application for a building permit to create one ADU and one JADU (not either/or) within a proposed or existing single-family dwelling located within a residential or mixed-use zone must be ministerially approved if certain conditions are met: (a) the unit is within the proposed or existing space of a single-family dwelling or within the existing space of an existing attached or detached accessory structure; (b) the space has exterior access and (c) rear and side setbacks sufficient for fire and safety. Note that for purposes of ADU law, there is a statutory definition of “accessory structure” which is different than the definition in the Non-Coastal Zoning Ordinance (NCZO). (See Gov. Code, § 65852.2(j)(2).) Additionally, there is no size limitation for an ADU created within the space of an existing or proposed single-family dwelling, or for an ADU created within the existing space of an existing accessory structure. JADUs are subject to the provisions of Government Code sec. 65852.22 and are not allowed in accessory structures.
- 2) Up to One Detached, New Construction ADU and One JADU Per Lot with a Proposed or Existing Single-Family Dwelling.** (Gov. Code, § 65852.2(e)(1)(B)); Sec. 8107-1.7.4(b)) An application for a building permit for one detached new construction ADU that does not exceed four-foot side and rear yard setbacks must be ministerially approved on lots with a proposed or existing single-family dwelling located within a residential or mixed-use zone. Local agencies may impose a size limitation on such ADUs of not more than 800 square feet and a height limitation of 16 feet. A new detached ADU may be combined with one JADU; the JADU must comply with the requirements of Government Code section 65852.22.
- 3) One or More ADUs in the Existing Non-Livable Residential Space of Multifamily Dwellings.** (Gov. Code, § 65852.2(e)(1)(C); Sec. 8107-1.7.4(c)) One or more ADUs may be created within portions of existing non-livable residential space in multifamily dwelling structures within a residential or mixed-use zone, that are not used for living space, such as storage rooms, boiler rooms, passageways, attics, basements, or garages if each unit complies with building standards. At least one ADU or the number of ADUs equal to up to 25 percent of the existing multifamily dwelling units is allowed, whichever is greater. As

explained by the California Department of Housing and Community Development (HCD), “if there is no existing non-livable space within a multifamily structure, an applicant would not be able to build an interior ADU under subdivision (e) [of Government Code section 65852.2].” (HCD ADU Handbook at p. 20<sup>2</sup>) Additionally, for lots with mixed-use development, HCD explains that the non-livable space used to create an internal ADU is limited to the residential areas of a mixed-use development and excludes areas used for commercial or other nonresidential activities including, for example, commercial parking or storage areas. (ADU Handbook at p. 21) Finally, HCD clarifies that “[u]nder subdivision (e), an applicant may apply to build up to two detached ADUs *and* at least one interior ADU up to 25 percent of the number of units in the proposed or existing multifamily dwelling”, which is described in more detail in section 4 below (HCD JADU Handbook at p. 20, emphasis added).

- 4) Up to Two Detached ADUs on a Lot with an Existing Multifamily Dwelling.** (Gov. Code, § 65852.2(e)(1)(D); Sec. 8107-1.7.4(d)) For residential or mixed-use zoned lots with an existing multifamily dwelling, local agencies must allow up to two detached ADUs subject to a 16-foot height limitation and four-foot rear and side setbacks. Notably, the statute does not place a size limitation on these detached ADUs; however, HCD has provided an opinion in certain ADU review letters that a local agency may impose a size limitation on new detached ADUs, but not on the conversion of existing detached structures to ADUs under this section. As discussed in section 3 above, applicants may apply for up to two detached ADUs in addition to ADUs created through the conversion of non-livable residential space. (HCD July 2022 ADU Handbook at p. 20.)

## **5) JADUs**

Additionally, Government Code section 65852.22 defines a JADU as “a dwelling unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family dwelling. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.” Pursuant to Government Code sections 65852.2(e) and 65852.22, local agencies must ministerially approve JADU applications with a building permit in single-family residential zones provided the JADU meets the requirements of Government Code section 65852.22. The criteria for a JADU include, but are not limited to, the following (all of which have been included in the Proposed Ordinance (Exhibit 5) in Sec. 8107-1.7.6):

- a) JADUs are only allowed in single-family residential zones. (Gov. Code § 65852.22(a)(1))
- b) Only one JADU is allowed per lot and only within the walls of a proposed or existing single-family dwelling, which includes an attached garage. JADUs are not allowed in multifamily dwellings or accessory structures. JADUs are also prohibited if a lot has more than one single-family dwelling. (Gov. Code § 65852.22(a)(4))
- c) The JADU must have an efficiency kitchen that includes cooking facilities and a food preparation area and storage cabinets. (Gov. Code § 65852.22(a)(6))

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<sup>2</sup> Accessory Dwelling Unit Handbook, July 2022, California Department of Housing and Community Development, <https://www.hcd.ca.gov/sites/default/files/2022-08/ADUHandbookUpdate.pdf>



- d) The JADU must have a separate entrance from the proposed or existing single-family dwelling. (Gov. Code § 65852.22(a)(5))
- e) The JADU must either include separate sanitation facilities or share sanitation facilities with the single-family dwelling. (Gov. Code § 65852.22(h)(1))
- f) No additional parking is required for a JADU. (Gov. Code § 65852.22(b)(1)) However, if a JADU is created by the conversion of an attached garage, replacement parking for the single-family dwelling must be provided; replacement parking can be uncovered on-site, and located in the setbacks, with limitations. (HCD ADU Handbook at p. 24)

### **Additional ADU and JADU mandates**

The New ADU Laws imposed other requirements and restrictions on local ordinances summarized below with a state law citation as well as a reference to the section of the Proposed Ordinance where it is addressed.

- 1) **No Minimum Lot Size for ADUs.** Local agencies are precluded from requiring a minimum lot size for ADUs. (Gov. Code, § 65852.2(a)(1)(B)(i); Sec. 8107-1.7.5(f)).
- 2) **No Owner-Occupancy Requirements for ADUs permitted between January 2020 to January 2025.** Prohibits a local ordinance from requiring an applicant for an ADU to be an owner-occupant of ADUs approved between January 1, 2020, and January 1, 2025. (Gov. Code, § 65852.2(a)(6); Sec. 8107-1.7.7(d)(3).) However, if the single-family dwelling also has a JADU, then the owner must occupy either the JADU or the remaining part of the single-family dwelling. (Gov. Code, § 65852.22(a)(2))
- 3) **Rental Terms for ADUs Must Exceed 30 Days.** Building Permit ADUs must be restricted to rental terms that are longer than thirty days. (Gov. Code, § 65852.2(e)(4); Sec. 8107-1.7.7(d)(2)) For all other ADUs, a local agency may, but is not required, to restrict rental terms to longer than thirty days. (Gov. Code, § 65852.2(a)(6)) The Proposed Ordinance limits the rentals of all ADUs to terms that are longer than thirty consecutive days. (Sec. 8107-1.7.7(d)(2))
- 4) **No Transfer or Conveyance of ADU or JADU, Subject to Narrow Exception for ADU.** Except as provided in Government Code section 65852.26, an ADU may not be sold or otherwise conveyed separately from the primary residence. (Gov. Code, § 65852.2(a)(1)(D)(i)) Government Code section 65852.26 authorizes a narrow exception that allows the transfer of an ADU (but not a JADU) that was built or developed by a qualified nonprofit corporation and is subject to a recorded enforceable restriction on the use of the land if certain requirements are satisfied. JADUs may not be separately conveyed from the single-family residence. (Gov. Code, § 65852.22(a)(3)(A)) To implement state law limitations on the transfer and conveyance of ADUs and JADUs, the Proposed Ordinance includes a deed restriction requirement for both ADUs and JADUs. (Sec. 8107-1.7.7(e))
- 5) **Maximum Size of an ADU cannot be less than 850 square feet, or less than 1,000 square feet if the ADU Provides More than One Bedroom.** A local agency is prohibited from establishing a maximum size of an ADU of less than 850 square feet, or less than 1,000 square feet if the ADU contains more than one bedroom. (Gov. Code, § 65852.2(c)(2)(B); Sec. 8107-1.7.5(g)) According to HCD guidance, limits on the number

of bedrooms could be construed as discriminatory and would be considered constraints on the development of ADUs. (HCD Handbook at p. 17)

- 6) **Replacement Off-street Parking Cannot be Required if an ADU is created through the Demolition/Conversion of a Garage/Carport/Covered Parking Structure.** When a garage, carport, or covered parking structure is demolished in conjunction with an ADU or converted into an ADU, a local agency shall not require that those off-street parking spaces be replaced. (Gov. Code, § 65852.2, subdivisions (a)(1)(D)(xi)); Sec. 8107-1.7.5(c)(3))
- 7) **Parking for ADUs Not Required Under Certain Circumstances.** Notwithstanding any other law, a local agency cannot impose parking standards for ADUs that meet any of the following criteria (Gov. Code, § 65852.2 (d); Sec. 8107-1.7.5(c)(1)):
  - ADUs located within one-half mile walking distance of public transit;
  - ADUs located within an architecturally and historically significant historic district;
  - ADUs created as part of the proposed or existing primary residence or accessory structure;
  - When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
  - When there is a car share vehicle located within one block of the ADU.
- 8) **Limited Development Standard Exemption ADU.** Notwithstanding any other minimum or maximum size for an ADU, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached ADUs, an ADU up to 800 square feet with a height limitation of 16 feet with four-foot side and rear yard setbacks must be allowed to be constructed in compliance with all other local development standards (Limited Exception to Development Standards). (Gov. Code, § 65852.2(c)(2)(C); Sec. 8107-1.7.5(j))
- 9) **For JADUs, Must Require Owner-Occupancy of JADU or Remaining Portion of Single-Family Dwelling.** If a JADU is created within an existing or proposed single-family dwelling, the owner must occupy either the JADU or the remaining portion of the single-family dwelling, unless the owner is a government agency, land trust, or housing organization. (Gov. Code, § 65852.22(a)(2); Sec. 8107-1.7.7(d)(3))
- 10) **Deed Restriction Addressing Sale, Size and Attributes of JADU.** A recorded deed restriction, which shall run with the land, shall: prohibit the sale of the JADU separate from the sale of the single-family dwelling, including a statement that the deed restriction may be enforced against future purchasers; and restrict the size and attributes of the JADU pursuant to the requirements of Government Code section 65852.22. (Gov. Code, § 65852.22(a)(3); Sec. 8107-1.7.7(d)(4); Sec. 8107-1.7.7(e)(2))
- 11) **Impact Areas restricting ADUs may be based upon the adequacy of water and sewer services.** The New ADU Laws clarify that areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services as well as impacts on traffic flow and public safety. (Gov. Code, § 65852.2(a)(1)(A)) However, HCD now requires specific findings to restrict or prohibit ADUs. HCD's July 2022 ADU handbook further explains that "local governments may not preclude the creation of ADUs altogether, and

any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors.” (ADU Handbook July 2022 at p. 11). While detailed findings of fact are not required by, or mentioned anywhere in, Government Code section 65852.2, HCD is authorized by law to adopt guidelines to implement uniform standards or criteria that supplement or clarify the standards set forth in Government Code section 65852.2. Staff has not identified the detailed facts meeting HCD’s high evidentiary standard to justify the continued inclusion of the impact areas; therefore, the impact areas are not included in the Proposed Ordinance.

### **Miscellaneous ADU Laws**

The following ADU Laws apply to the County but are not required to be included as provisions in the Proposed Ordinance:

- **HCD Review of Local Ordinance Compliance.** After a local agency adopts an ADU ordinance, it must be submitted to HCD for review. HCD must then submit findings to the local agency as to whether the ADU ordinance complies with ADU law. If HCD finds it does not, HCD shall provide the local agency with up to 30 days to respond before taking any other action. The local agency shall consider HCD’s findings and may either amend the ordinance to comply or make findings as to why the ordinance complies despite HCD’s findings. (Gov. Code, § 65852.2(h)(2))
- **No Fire Sprinklers are Required for ADUs Unless Required for Primary Dwelling.** The installation of fire sprinklers is not required for an ADU if sprinklers are not required for the primary residence. For example, fire sprinklers are not required for ADUs created in an existing structure that did not require fire sprinklers by the building code at the time. However, if the primary dwelling is new or undergoes a remodel, the ADU is required to have fire sprinklers. (Gov. Code § 65852.2(a)(1)(D)(xii) & (e)(3)) The Proposed Ordinance does not address fire sprinkler requirements as that is a Building and Fire Code issue which is addressed as part of the building permit process.
- **Impact Fee Exemptions.** Pursuant to Government Code section 65852.2, subdivision (f)(3), a local agency, special district, or water corporation shall not impose any impact fee upon the development of an ADU that is less than 750 square feet; any impact fees charged for an ADU that is 750 square feet or larger must be charged proportionately in relation to the square footage of the primary dwelling unit.
- **Delayed Enforcement of Building Standards for Certain Substandard ADUs.** If an ADU is in violation of building standards, the owner may request that the local agency delay its enforcement of building standard violation for five years, subject to compliance with Section 17980.12 of the Health and Safety Code, on the basis that correcting the violation is not necessary to protect health and safety. (Gov. Code, § 65852.2(n); Health & Safety Code, § 17980.12).
- **Maximum Review Time for an ADU and JADU Application Reduced from 120 days to 60 Days, with Automatic Approval if Review Not Completed within 60 Days.** The maximum time to review a completed ADU and/or JADU application is reduced from 120 days under the 2017/18 ADU Laws to 60 days. Additionally, if a local agency has not acted upon the completed application within 60 days, the application shall be deemed approved. (Gov. Code, § 65852.2(a)(3) and (b)).

- **CC&Rs Prohibiting or Unreasonably Restricting ADUs/JADUs are Void.** Covenants, conditions, and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use that meets the requirements of Government Code sections 65852.2 or 65852.22, are void and unenforceable. (Civ. Code, § 4751.)
- **Housing Elements must Promote ADUs.** State law mandates local agencies' housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households. (Gov. Code, § 65583(c)(7)). The Housing Element adopted in 2021 includes programs that address these requirements.

# EXHIBIT 7

## ADU and JADU Laws (Government Code sections 65852.2 and 65852.22)

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL20-0023)

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Proposed Legislation

West's Annotated California Codes

Government Code (Refs & Annos)

Title 7. Planning and Land Use (Refs & Annos)

Division 1. Planning and Zoning (Refs & Annos)

Chapter 4. Zoning Regulations (Refs & Annos)

Article 2. Adoption of Regulations (Refs & Annos)

West's Ann.Cal.Gov.Code § 65852.2

§ 65852.2. Accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use; creation by ordinance

Effective: January 1, 2022

[Currentness](#)

<Section operative until Jan. 1, 2025. See, also, [§ 65852.2](#) operative Jan. 1, 2025.>

(a)(1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B)(i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:



- (i) Except as provided in [Section 65852.26](#), the accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.
- (ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.
- (iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
- (iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.
- (v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
- (vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
- (vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
- (viii) Local building code requirements that apply to detached dwellings, as appropriate.
- (ix) Approval by the local health officer where a private sewage disposal system is being used, if required.
- (x)(I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
- (II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency 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.
- (III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).
- (xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

- (xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
- (2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- (3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding [Section 65901](#) or [65906](#) or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.
- (4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.
- (5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.
- (6) This subdivision establishes the maximum standards that local agencies 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 this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.
- (7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.
- (8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c)(1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e)(1) Notwithstanding subdivisions (a) to (d), 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:

(A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) 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 and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of [Section 65852.22](#).

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C)(i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f)(1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with [Section 66000](#)) and Chapter 7 (commencing with [Section 66012](#)).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3)(A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” is defined in [subdivision \(b\) of Section 66000](#), except that it also includes fees specified in [Section 66477](#). “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with [Section 66013](#), the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h)(1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2)(A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3)(A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with [Section 11340](#)) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) “Accessory dwelling unit” means an attached or a detached residential dwelling unit 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 multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in [Section 18007 of the Health and Safety Code](#).

(2) “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) “Efficiency unit” has the same meaning as defined in [Section 17958.1 of the Health and Safety Code](#).

(4) “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.

(5) “Local agency” means a city, county, or city and county, whether general law or chartered.

(6) “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.

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

(8) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(9) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(10) “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.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 ([Division 20 \(commencing with Section 30000\) of the Public Resources Code](#)), except that the local



government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in [subdivision \(a\) of Section 65583.1](#), subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to [Article 1 \(commencing with Section 17960\)](#) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with [Section 17980.12 of the Health and Safety Code](#):

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

#### Credits

(Added by Stats.1982, c. 1440, § 2, operative July 1, 1983. Amended by Stats.1986, c. 156, § 1, operative April 1, 1987; Stats.1990, c. 1150 (A.B.3529), § 2; Stats.1994, c. 580 (A.B.3198), § 2; Stats.2002, c. 1062 (A.B.1866), § 2; Stats.2016, c. 720 (S.B.1069), § 5, eff. Jan. 1, 2017; Stats.2016, c. 735 (A.B.2299), § 1.5, eff. Jan. 1, 2017; Stats.2017, c. 594 (S.B.229), § 1, eff. Jan. 1, 2018; Stats.2017, c. 602 (A.B.494), § 1.5, eff. Jan. 1, 2018; Stats.2019, c. 653 (S.B.13), § 1, eff. Jan. 1, 2020; Stats.2019, c. 655 (A.B.68), § 1, eff. Jan. 1, 2020; Stats.2019, c. 659 (A.B.881), § 1.5, eff. Jan. 1, 2020; Stats.2020, c. 370 (S.B.1371), § 176, eff. Jan. 1, 2021; Stats.2020, c. 165 (S.B.1030), § 7, eff. Sept. 25, 2020; Stats.2020, c. 198 (A.B.3182), § 3.5, eff. Jan. 1, 2021; Stats.2021, c. 343 (A.B.345), § 1, eff. Jan. 1, 2022.)

#### Editors' Notes

#### REPEAL

<For repeal of this section, see its terms.>

#### Notes of Decisions (10)

West's Ann. Cal. Gov. Code § 65852.2, CA GOVT § 65852.2

Current with urgency legislation through Ch. 46 of 2022 Reg.Sess. Some statute sections may be more current, see credits for details.



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Proposed Legislation

West's Annotated California Codes

Government Code (Refs & Annos)

Title 7. Planning and Land Use (Refs & Annos)

Division 1. Planning and Zoning (Refs & Annos)

Chapter 4. Zoning Regulations (Refs & Annos)

Article 2. Adoption of Regulations (Refs & Annos)

West's Ann.Cal.Gov.Code § 65852.22

§ 65852.22. Junior accessory dwelling units in single-family residential zones; creation by ordinance; permits

Effective: January 1, 2020

[Currentness](#)

(a) Notwithstanding [Section 65852.2](#), a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, 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.

(4) Require a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b)(1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding [Section 65901](#) or [65906](#) or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in [subparagraph \(A\) of paragraph \(1\) of subdivision \(e\) of Section 65852.2](#) and the requirements of this section.

(h) For purposes of this section, the following terms have the following meanings:

(1) “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

#### **Credits**

(Added by Stats.2016, c. 755 (A.B.2406), § 1, eff. Sept. 28, 2016. Amended by Stats.2019, c. 655 (A.B.68), § 2, eff. Jan. 1, 2020.)

West's Ann. Cal. Gov. Code § 65852.22, CA GOVT § 65852.22

Current with urgency legislation through Ch. 46 of 2022 Reg.Sess. Some statute sections may be more current, see credits for details.

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# **EXHIBIT 8**

## **List of Relevant General Plan and Area Plan Goals and Policies**

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Proposed NCZO Amendments for Accessory Dwelling  
Units and Junior Accessory Dwelling Units  
(PL20-0023)

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## List of Relevant General Plan Goals and Policies

The Proposed Ordinance is consistent with the Ventura County General Plan including the following General Plan goals, policies and programs:

### Chapter 2: Land Use and Community Character Element:

**Goal LU-6:** *To provide appropriate land use designations that provide for the long-term preservation of the county's rural lifestyle, productive farmland and supporting services, and the vast open space resources that define the county.*

**Policy LU-6.3: Density Exceptions – Agricultural Land Use Designation**

The County shall exclude from the Agricultural land use maximum density farmworker dwellings, and accessory dwelling units pursuant to section 65852.2 of the Government Code.

**Goal LU-10:** *To provide opportunities for a variety of residential types and densities in established Existing Communities, Urban areas, within a city's adopted Sphere of Influence, and Area Plans.*

**Policy LU-10.1: Accessory Dwelling Units**

The County shall permit accessory dwelling units as provided for in the Non-Coastal and Coastal Zoning Ordinances, even if such a dwelling would result in a density greater than the standard density specified for the residential land use designations.

**Policy LU-10.2: Density Exceptions – Residential Land Use Designation**

The County shall exclude from the Residential land use maximum density farmworker dwellings, and accessory dwelling units pursuant to section 65852.2 of the Government Code.

**Goal LU-11:** *To promote the development of mixed-use, commercial, and industrial uses in areas that are appropriate for these uses.*

**Policy LU-11.7: Density Exceptions – Mixed Use Land Use Designation**

The County shall exclude from the Mixed Use land use maximum density farmworker dwellings and accessory dwelling units pursuant to section 65852.2 of the Government Code.

The Proposed Ordinance is consistent with the above-mentioned General Plan goals and related policies. Pursuant to Government Code section 65852.2, subdivision (a)(8), an accessory dwelling unit that meets state and local requirements shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed a residential use that is consistent with the existing general plan and zoning designation for the lot. The Proposed Ordinance is consistent with these requirements.



## Chapter 3: Housing Element:

**Goal HE-2:** *Provide suitable sites for housing development that can accommodate a range of housing by type, size, location, price and tenure to meet the requirements of the regional housing need allocation.*

**Policy HE-2.6: Encourage Accessory and Junior Accessory Dwelling Units**

The County shall incentivize and encourage accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).

**Goal HE-3:** *Increase special needs housing opportunities and supportive services for lower income households, seniors, persons with disabilities, persons with mental illness, large families with children, female-headed households, and people who are experiencing homelessness.*

**Policy HE-3.5: Encourage Affordable Housing in Rural Areas**

The County shall promote housing types for lower-income households that align with the rural and agricultural character, economy, and needs of Ventura County, such as farmworker housing, manufactured housing, mobilehomes and accessory dwelling units.

**Policy HE-3.10: Encourage Design for Large Households**

The County shall encourage housing design that meets the needs of extended, multigenerational, and/or large families (e.g. room additions, accessory dwelling units, and junior accessory dwelling units) to reduce overcrowding and assist in maintaining the affordability of existing housing stock.

### **Housing Element Programs**

**Program HE-C: ADU Homeowner Tools**

To affirmatively further fair housing and increase lower- and moderate-income homeowners' access to ADUs/JADUs and minimize barriers, the County will develop homeowner website education tools and public information in English and Spanish to make the zoning and permitting process more user-friendly, to highlight the advantages of investing in an ADU, and to make available free building plans for ADUs or farmworker dwelling units. In implementing this program, the County is supporting homeowners with tools and translated information to achieve the target production of 560 ADUs and JADUs by 2029.

**Program HE-J: Compliance with State Housing Laws and PD Permit Monitoring**

The Planning Division will continue to monitor new housing-related state legislation and amend the County General Plan, Coastal Area Plan and Zoning Ordinances to ensure consistency with state law. The Planning Division will also monitor the Planned Development Permit process requirements and processing time to ensure the process does not act as a constraint to housing production. If determined to be a constraint, the County will modify permit processing procedures as appropriate to facilitate housing production.

Program HE-T: Publish Clear Permit Approval Procedures

The County shall publish clear permit approval procedures by maintaining an updated webpage that includes Spanish translation that clearly identifies ministerial permitting pathways for new state law provisions (e.g., SB 35, AB 2162, AB 1783 compliant housing) which exempt certain housing development from discretionary review.

Program HE-U: Modular Accessory Dwelling Units and Garage Conversion Building Plans

The County shall market the Ventura Council of Governments “Regional ADU Program” once it is funded and developed using Regional Early Action Planning Grant funds. This program will include design plans for a less expensive prefabricated, stand-alone ADU, and several free templates for a garage ADU conversion to be made available to homeowners.

Program HE-Z: ADU Monitoring

The County shall track new ADUs and collect information on the use and affordability of these units. Halfway through the projection period (2025), if determined that these units are not meeting a lower-income housing need, the County shall ensure other housing sites are available to accommodate the unmet portion of the lower-income RHNA.

The Proposed Ordinance directly implements the above-mentioned goals, policies and programs of the Housing Element. The Proposed Ordinance updates the County’s Non-Coastal Zoning Ordinance to reflect existing state law, facilitates the development of ADUs and JADUs to help increase the production and supply of affordable housing to meet individual, family, senior, and other specialized housing needs. Following adoption of the Proposed Ordinance, additional resources will be made available to the public beyond the current County website promoting ADUs and JADUs, and County staff will continue to track built ADUs and JADUs to achieve the Housing Element production of housing units in the 6<sup>th</sup> Cycle, to the year 2029.

## **Lake Sherwood/Hidden Valley Area Plan**

**Goal LS-5:** *To ensure that the area's growth rate does not exceed the ability of service agencies to provide quality services.*

Policy LS-5.2: Maximum Dwelling Units

The County shall require that the total number of dwelling units in the Lake Sherwood Community, excluding Planning Units 8 and 9 (excepting Lots 14, 15, 17 [portion], 151 and "I" of the Upson Tract Addition #1), does not exceed 630, and the total in Planning Unit 2 does not exceed 51 dwelling units exclusive of second dwelling units, farmworker housing, and low income housing density bonuses as defined and regulated in the County Zoning Ordinance.

As a result of certain changes in the terminology used by state law in 2017 and the County’s 2018 ADU Ordinance, “accessory dwelling unit” replaced the former term “second dwelling unit.” As explained above, an accessory dwelling unit that meets state and local requirements

does not exceed the allowable density for the lot upon which it is located, and is deemed a residential use that is consistent with the existing general plan and zoning designation for the lot. Consistent with state law and Policy LS-5.2, the Proposed Ordinance will not change the maximum number of dwelling units in the Lake Sherwood Community.

## MEMORANDUM

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**DATE:** August 17, 2022

**TO:** Clerk of the County of Ventura Planning Commission and Planning Commissioners

**FROM:** Ruchita Kadakia, Manager, Housing and State Mandates  
Dave Ward, Planning Director

**SUBJECT:** Amendment to August 18, 2022, 8:30 AM Agenda Item #7B, Public Hearing to Consider County-Initiated Amendments to Articles 2, 5, 7, 8, 11 and 19 of the Ventura County Non-Coastal Zoning Ordinance to Amend Regulations for Accessory Dwelling Units and to Add Regulations for Junior Accessory Dwelling Units Consistent with Government Code Sections 65852.2 and 65852.22; and to Consider a Finding that the Project is Exempt from the California Environmental Quality Act Pursuant to Public Resources Code Section 21080.17 (PL20-0023)

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The following revisions to the Planning Commission Staff Report, and Exhibits 4 and 5 are submitted as an amendment to your Planning Commission packet for item No. 7B on the Planning Commission Agenda of August 18, 2022. These revisions are summarized below and will be explained in more detail during the staff presentation.

Note: Inclusions and deletions to the sections are indicated in **red text** with underline and ~~strikeouts~~ respectively.

**A. Planning Commission Staff Report, Page 6: Minor edit to section reference**

Page 6 of the Planning Commission Staff Report includes an incorrect reference on the top of the page. See revised text below:

The requirements of the New ADU Laws are primarily addressed in the following three subsections of Section 8107-1.7:

- **Section ~~8017-1.7.4~~ 8107-1.7.4** governs ADUs and JADUs that must be ministerially approved with a building permit pursuant to Government Code section 65852.2(e) ("Building Permit ADUs and JADUs");

## B. Proposed Amendments to Exhibits 4 and 5:

### 1. Sec. 8105-5 – Permitted Uses in Commercial and Industrial Zones

The table in Section 8105-5 was amended to add accessory dwelling units (ADU) as an allowed land use on parcels zoned Commercial Planned Development within a Community Business District overlay zone (CPD/CBD) pursuant to Section 8107-1.7. The ADU land use was added under the subheading of “Mixed-Use Development within the CBD Overlay zone per Section 8109-4.5.5,” as ADUs are allowed as an accessory use to the residential areas on a lot with mixed uses.

### Sec. 8105-5 - Permitted Uses in Commercial and Industrial Zones

	CO	C1	CPD	M1	M2	M3
MIXED USE DEVELOPMENT WITHIN THE CBD OVERLAY ZONE PER SECTION 8109-4.5.5 (37)			PD			
<u>Accessory Dwelling Unit (ADU) within the CBD overlay zone*</u>			Pursuant to Sec. 8107-1.7			

### 2. Sec. 8119-1 – Old Town Saticoy Development Code

The following sections of Article 19, Sec. 8119-1 of the Ventura County Ordinance Code were amended for consistency with state law and Sec. 8107-1.7. Staff explanations for the proposed amendments have been included below, and a legislative and clean version of the proposed amendments to Sec. 8119-1 are included as Attachments 1 and 2 with this errata memorandum which reflect these revisions.

#### **Sec. 8119-1.2: Permitted Uses in Old Town Saticoy, By Zone**

Section B] Accessory Uses and Structures of the table in Sec. 8119-1.2 is amended to include the acronym “(ADU)” for Accessory Dwelling Unit and to add “Junior Accessory Dwelling Unit (JADU)” as an allowed land use in the Residential (RES) zone pursuant to Sec. 8107-1.7.

#### **Sec. 8119-1.3: Zoning Standards:**

- Sec. 8119-1.3.2: Residential/Mixed-Use (R/MU) zone
  - Table 1.3.2(a) Building Placement Standards is amended to update the requirement pursuant to state law and Sec. 8107-1.7.4, that ADUs shall be allowed on R/MU lots that have an existing or proposed single family or multifamily dwelling.
  - Table 1.3.2(b) Building Profile Standards includes a new footnote to clarify that the maximum building height for ADUs is pursuant to Sec. 8107-1.7.

- Sec. 8119-1.3.3: Residential (RES) zone
  - Sec. 8119-1.3.3(a)(1) is amended to include applicable references to Sec. 8107-1.7 and its subsections, as necessary.
  - Table 1.3.3(a) Building Placement Standards: The current minimum setbacks in Table 1.3.3(a) for ADU/Accessory Buildings are more restrictive than what state law allows. A new footnote #3 has been added to the section of the table addressing setback requirements for Accessory Buildings to clarify that the minimum side and rear setbacks for ADUs shall be pursuant to Section 8107-1.7.
  - Table 1.3.3(b) Building Profile Standards: A new footnote #3 has been added to the section of the table addressing building height standards for Accessory Buildings to clarify that the maximum building height for ADUs shall be pursuant to Sec. 8107-1.7.
  - References to “ADU” within the images and tables for Sec. 8119-1.3.3 were removed (See Tables 1.3.3(a), 1.3.3(b), and 1.3.3(e)).

#### **Sec. 8119-1.4: Building Type Standards**

- Sec. 8119-1.4.1: Allowable Building Types by Zone
  - Amended footnote #1 in Table 1.4.1 to update references to where ADUs and JADUs will be allowed pursuant to Sec. 8107-1.7.
- Sec. 8119-1.4.8: Single-Family House and Duplex
  - The description related to habitable and non-habitable accessory structures was amended consistent with state law requirements to specify that ADUs are allowed on single family or multifamily lots; and applicable section references to Section 8107-1.7 were added for ADUs and JADUs.
- Sec. 8119-1.4.10: Accessory Dwellings (and other habitable structures)
  - The description in this section was updated to include a reference to JADUs, where necessary, replace “bathing facilities” with “sanitation facilities”, and add language to reflect that the number of allowable ADUs on the lot would be determined by the requirements of Sec. 8107-1.7.
  - Table 1.4.10 was amended to specify that certain requirements would not apply to ADUs. State law prohibits local agencies from imposing minimum lot size requirements for ADUs and establishes specific parameters for ADU requirements relating to unit size and height. The lot size, building size and massing requirements in sections 1 and 2 of Table 1.4.10 are no longer consistent with state law and would constrain the development of ADUs.

Footnote 3 was replaced with new language that states that the Lot Size and Building Size and Massing requirements in the table do not apply to ADUs and includes a reference to Section 8107-1.7. Accordingly, footnote 2 of the table was amended as well.

- Sec. 8119-1.4.11: Accessory Structure (non-habitable)
  - The note relating to ADUs located above or beside a garage was updated to reflect the applicable reference in Section 8107-1.7.

**Attachments:**

Attachment 1: Proposed Amendments to Section 8119-1: Old Town Saticoy Development Code (legislative version)

Attachment 2: Proposed Amendments to Section 8119-1: Old Town Saticoy Development Code (clean version)



## PERMITTED USES IN OLD TOWN SATICOY, BY ZONE

	TC	R/MU	RES	IND
<b>WAREHOUSING AND STORAGE, INDOOR ONLY</b>				PD
Building Materials, Movers' Equipment, etc.				PD
Ministorage, with or without RV Storage *				CUP
Warehousing and Storage, with outdoor storage				CUP
<b>WASTE HANDLING, WASTE DISPOSAL AND RECYCLING FACILITIES *</b>				
Recyclables Collection Centers*				ZC
Reuse Salvage Facilities (Indoor only)				CUP
Temporary Collection Activities *	ZC	ZC	ZC	ZC
Waste Collection And Processing Activities To Mitigate An Emergency *	ZC	<i>Pursuant to Sec. 8107-36.3.12</i>		ZC
<b>WASTEWATER/SEWAGE TREATMENT FACILITIES</b>				
Individual Sewage Disposal Systems				
On-Site Wastewater Treatment Facilities				
<b>WATER PRODUCTION, STORAGE, TRANSMISSION, AND DISTRIBUTION FACILITIES</b>				
4 Or Fewer Domestic Service Connections (Privately Operated)	ZC	ZC	ZC	ZC
5 Or More Domestic Service Connections (Privately Operated)	PD	PD	PD	PD
Well Drilling For Use Only On Lot Of Well Location	E	E	E	E
<b>WHOLESALE TRADE</b>				CUP
<b>B] ACCESSORY USES AND STRUCTURES</b>				
<b>ACCESSORY USES AND STRUCTURES</b>	ZC	ZC	ZC	ZC
Keeping of Animals				
Pet animals <i>Per Sec. 8107-2.4</i>	E	E	E	
Security animals ( <i>See Sec. 8107-2.4.4</i> )	E			E
More Animals Than Permitted	CUP			CUP
Youth projects *			ZC-W	
Dwellings:				
Buildings For Human Habitation:				
<i>Live/Work Units</i>	PD			
For Caretaker (with or without pets)				CUP
For Superintendent Or Owner	CUP	PD		CUP
Accessory Dwelling Unit (ADU)* (AM. ORD. 4519 - 2/27/18)		<i>Pursuant to Sec. 8107-1.7</i>		
<i>Junior Accessory Dwelling Unit (JADU)*</i>			<i>Pursuant to Sec. 8107-1.7</i>	

E = Exempt

ZC = Zoning Clearance<sup>1</sup>ZC-W = Zoning Clearance with signed waivers<sup>1</sup>PD = Planned Development Permit<sup>1</sup>CUP = Conditional Use Permit<sup>1</sup>

Not allowed

Exempt

Approved by Planning Director or Designee

Approved by Planning Commission

Approved by Board of Supervisors

\* There are specific regulations for this use; see Article 7.

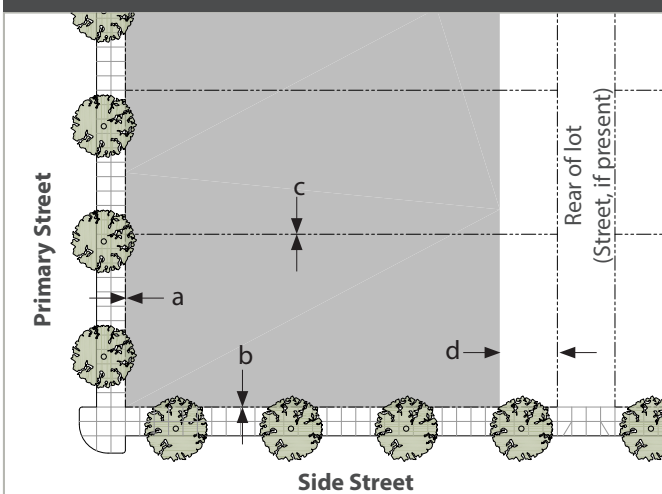
<sup>1</sup> Includes a review for conformance with the Old Town Saticoy Development Code.

## Sec. 8119-1.3.2 - Residential/Mixed Use (R/MU) Zone

### a. Building Placement

- Buildings shall be located within the building site per [Table 1.3.2\(a\)](#) below. Setbacks are measured as per Sec. 8106-4.
- See [Sec. 8119-1.4](#) (Building Type Standards) for allowed building types, minimum and maximum lot width and depth dimensions, and applicable design requirements.
- Corner lots along L.A. Avenue shall include ground-floor commercial retail facing L.A. Avenue.
- See [Sec. 8119-1.8](#) for additional requirements.
- Outdoor uses (such as dining) must be located within the property line.

**TABLE 1.3.2(a) BUILDING PLACEMENT STANDARDS**



Buildable area (shaded gray) Property Line (dashed line)

PRIMARY BUILDING		MIN.	MAX.
<b>a</b>	Primary Street Setback <sup>1</sup>	10 ft.	20 ft. <sup>2</sup>
<b>b</b>	Side Street Setback <sup>1</sup>	5 ft.	15 ft. <sup>2</sup>
<b>c</b>	Side Setback	5 ft.; 8 ft. for three story buildings	–
<b>d</b>	Rear Setback	10 ft.	–

#### ACCESSORY BUILDING

Pursuant to Sec. 8107-1.7, an accessory dwelling unit (ADU) shall be allowed on a lot zoned R/MU with an existing **or proposed** single-family **or multifamily** dwelling.<sup>3</sup> In all other instances, no detached habitable Accessory Buildings are allowed within the R/MU Zone. However, an attached habitable Accessory Dwelling for a Superintendent or Owner is allowed (See [Sec. 8119-1.4.10](#)).

[1] Primary or Side Street setbacks to be landscaped or paved as per [Sec. 8119-1.4.2\(e\)](#).

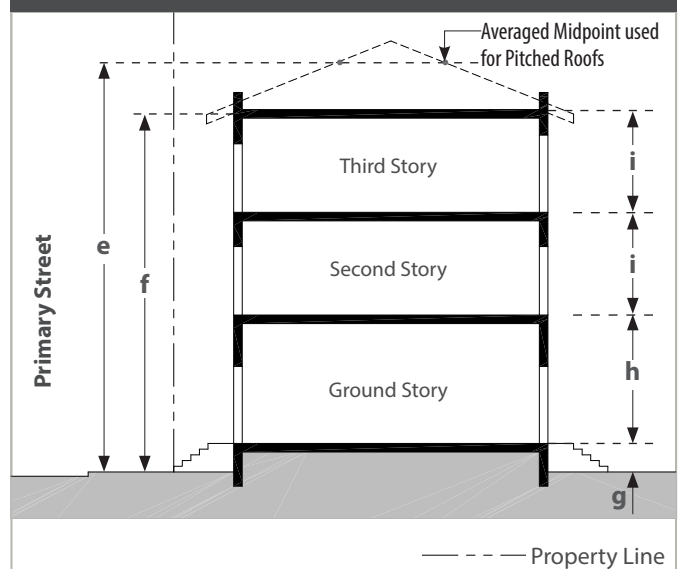
[2] Exceptions are available for outdoor uses (such as dining, landscaping, etc.)

[3] See [Sec. 8119-1.3.3\(a\) and \(b\)](#) for building placement and building profile standards for ADUs. (AM. ORD. 4519 - 2/27/18)

### b. Building Profile

- Building heights shall comply with the standards listed in [Table 1.3.2\(b\)](#), and are measured as per [Sec. 8119-1.8.2](#). Floor heights are measured floor to floor.
- The maximum height of buildings with flat roofs shall include parapets and roof decks.
- Chimneys and other architectural features may project beyond the maximum building height as allowed by the California Building Code and Sec. 8106-7.

**TABLE 1.3.2(b) BUILDING PROFILE STANDARDS**



PRIMARY BUILDING		MIN.	MAX.
<b>e</b>	Building height (stories)	1	3
	Building height (ft.) for pitched roofs	–	50
	Building height (ft.) for flat roofs	–	45
<b>f</b>	Building height (ft.) to top-of-plate	16	40
<b>g</b>	Ground floor level above sidewalk (ft.)		
	Nonresidential	0	2
	Residential	0	2
<b>h</b>	Ground story floor to floor height (ft.)		
	Nonresidential	12	30
	Residential	12	20
<b>i</b>	Upper story floor to floor height (ft.)	10	15

#### ACCESSORY BUILDING

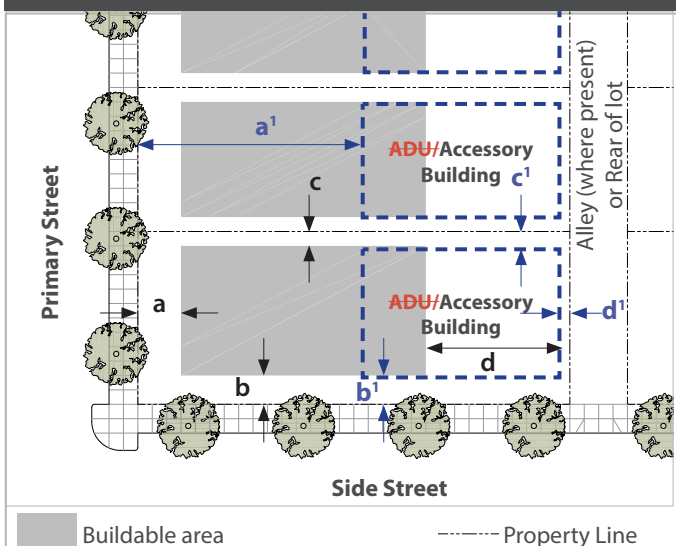
The height of the attached Accessory Buildings shall not exceed the height of the *Primary Building*. **For ADUs, however, the maximum building height shall be pursuant to Sec. 8107-1.7.**

### Sec. 8119-1.3.3 - Residential (RES) Zone

#### a. Building Placement (AM. ORD. 4519 - 2/27/18)

- Buildings, Accessory Dwelling units (ADU) pursuant to Sec. 8107-1.7.5, and other habitable/non-habitable accessory buildings shall be located within the building site per **Table 1.3.3(a)** below, except that setbacks for ADUs shall be consistent with Sec. 8107-1.7.5. Setbacks are measured as per Sec. 8106-4.
- See **Sec. 8119-1.4** (Building Type Standards) for allowed building types, minimum and maximum lot width and depth dimensions, and applicable design requirements.
- See **Sec. 8119-1.8** for additional requirements.
- For all other applicable standards regarding ADUs, see Sec. 8107-1.7.

**TABLE 1.3.3(a) BUILDING PLACEMENT STANDARDS**



PRIMARY BUILDING		MIN.	MAX.
a	Primary Street Setback <sup>1</sup>	15 ft. or prevailing setback for block length	20 ft.
b	Side Street Setback <sup>1</sup>	10 ft.	–
c	Side Setback	5 ft.	–
d	Rear Setback	10 ft.	–
ADU/ACCESSORY BUILDING		MIN.	MAX.
a¹	Primary Street Setback <sup>1</sup>	Locate on Rear 40% of lot	
b¹	Side Street Setback <sup>1,3</sup>	10 ft.	–
c¹	Side Setback <sup>2,3</sup>	5 ft.	–
d¹	Rear Setback <sup>2,3</sup>	5 ft.	–

[1] Primary and Side Street setbacks shall be landscaped.

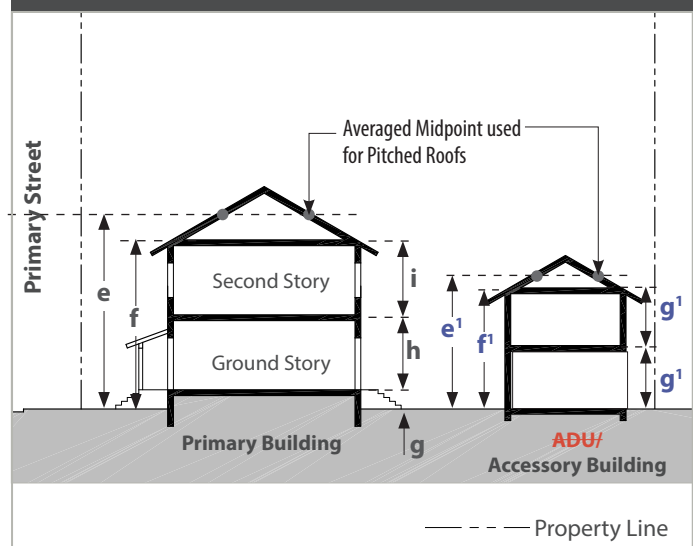
[2] An exception is allowed for non-habitable accessory buildings where the minimum side and rear setback can be 3 ft. (Per Sec. 8106-5.1).

[3] Minimum setbacks for ADUs shall be pursuant to Sec. 8107-1.7.

#### b. Building Profile (AM. ORD. 4519 - 2/27/18)

- Building heights shall comply with the standards listed in **Table 1.3.3(b)** below and are measured as per **Sec. 8119-1.8.2**. Floor heights are measured floor to floor.
- The maximum height of buildings with flat roofs shall include parapets and roof decks.
- Chimneys and other architectural features may project beyond the maximum building height as allowed by the California Building Code and Sec. 8106-7.

**TABLE 1.3.3(b) BUILDING PROFILE STANDARDS**



PRIMARY BUILDING		MIN.	MAX.
e	Building height (stories)	1	2
	Building height (ft.)	–	35
f	Height to top-of-plate (ft.)	–	25
g	Ground floor level above sidewalk (ft.)	0	3
h	Ground story height (ft.)	9	12
i	Upper story height (ft.)	9	12
ADU/ACCESSORY BUILDING		MIN.	MAX.
e¹	Building height (stories)	1	2¹
	Building height (ft.) <sup>2,3</sup>	–	25
f¹	Height to top-of-plate (ft.)	–	20
g¹	Floor height (ft.)	9	10

[1] Only allowed if it is: (a) a 2-story ADU, or (b) an ADU located over a non-habitable accessory building.

[2] Building height of ADU/Accessory Building shall not exceed the height of the Primary Building.

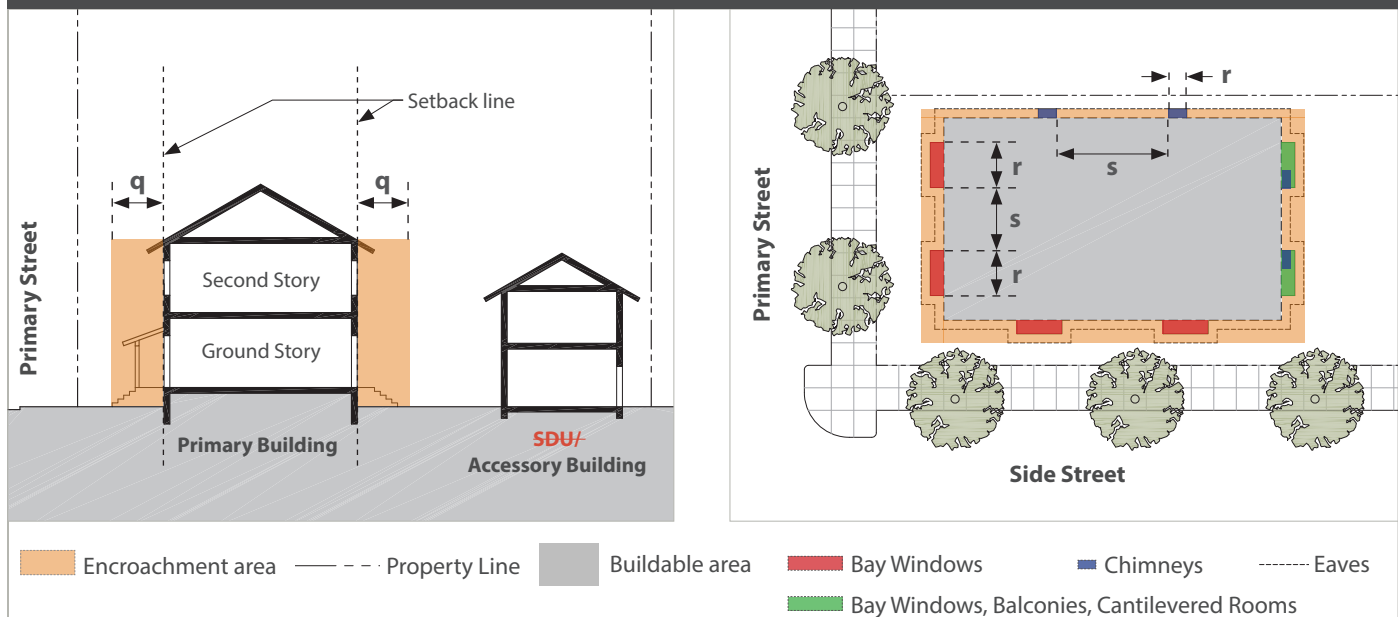
[3] Maximum building height for ADUs shall be pursuant to Sec. 8107-1.7.

### Sec. 8119-1.3.3 - Residential (RES) Zone (contd.)

#### e. Building Encroachments

1. Permitted *frontage* types per [Sec. 8119-1.5](#) (Frontage Type Standards) may encroach into setbacks as identified in [Table 1.3.3\(e\)](#) below.
2. Architectural elements, including bay windows, balconies (covered or uncovered), chimneys, eaves, and signage may encroach into setbacks as identified in [Table 1.3.3\(e\)](#) below. As part of the main building, cantilevered rooms are also allowed to encroach.
3. No encroachments shall be permitted within the public right-of-way.
4. Maximum dimensions of architectural elements, including bay windows, balconies (covered or uncovered), cantilevered rooms, chimneys, and eaves are indicated in [Table 1.3.3\(e\)](#) below. See [Sec. 8119-1.5](#) (Frontage Type Standards) for dimensions of allowed *frontage* types and [Sec. 8119-1.6](#) (Signage Standards) for dimensions of allowed signage types.
5. See following sections for allowances: Sec. 8106-5 for fire escapes and open unenclosed stairways (Sec. 8106-5.6); depressed ramps (Sec. 8106-5.8); uncovered, unenclosed landing and porches (Sec. 8106-5.9); and decks (Sec. 8106-5.10).

TABLE 1.3.3(e) BUILDING ENCROACHMENT STANDARDS



#### BUILDING ENCROACHMENT STANDARDS

ENCROACHMENT TYPE	MAXIMUM ENCROACHMENT (q)				MAX. LENGTH		MIN. DISTANCE BETWEEN ENCROACHMENTS (s)
	FRONT	SIDE STREET	SIDE YARD	REAR YARD	PER INDIVIDUAL ENCROACHMENT (r)	ALL ENCROACHMENTS COMBINED	
Bay Windows <sup>1</sup>	3 ft.	3 ft.	0 ft.	3 ft.	12 ft.	20 ft. or 45% of façade length, whichever is greater	8 ft.
Balconies <sup>2</sup>	3 ft.	3 ft.	0 ft.	3 ft.			
Cantilevered rooms <sup>2</sup>	0 ft.	0 ft.	0 ft.	2 ft.			
Chimneys	2 ft.	2 ft.	2 ft.	2 ft.	4 ft.	16 ft.	8 ft.
Eaves	2 ft. <sup>3</sup>	2 ft. <sup>3</sup>	2 ft.	2 ft. <sup>3</sup>	n/a	100% of façade length	n/a
Porch, Stoop	5 ft.	5 ft.	2 ft.	2 ft.	See <a href="#">Sec. 8119-1.5.4</a> and <a href="#">Sec. 8119-1.5.5</a>		

[1] Bay windows are allowed only on the ground floor.

[2] Balconies and cantilevered rooms are allowed only on second floor.

[3] Eaves may encroach up to 5 feet into front, rear and side street setback when extending from a bay window, covered balcony, or cantilevered room.

## Sec. 8119-1.4 - Building Type Standards

### Sec. 8119-1.4.1 - Allowable Building Types by Zone

A parcel may only be developed with a building type allowed by this Section. Allowable building types for each zone in Old Town Saticoy are shown in [Table 1.4.1](#) below. Section references in the table indicate the location for Building Type standards.

BUILDING TYPES	ZONE			
	TC	R/MU	RES	IND
Commercial/Mixed-Use Building	Sec. 8119-1.4.3	Sec. 8119-1.4.3		Sec. 8119-1.4.3
Courtyard Building	Sec. 8119-1.4.4	Sec. 8119-1.4.4		
Townhouse		Sec. 8119-1.4.5		
Small Apartment Building		Sec. 8119-1.4.6		
Triplex and Quadplex		Sec. 8119-1.4.7	Sec. 8119-1.4.7	
Single-Family House and Duplex		Sec. 8119-1.4.8 <sup>2</sup>	Sec. 8119-1.4.8	
Industrial Building				Sec. 8119-1.4.9
Accessory Dwellings (habitable) <sup>1</sup>	Sec. 8119-1.4.10	Sec. 8119-1.4.10	Sec. 8119-1.4.10	Sec. 8119-1.4.10
Accessory Structures (non-habitable)			Sec. 8119-1.4.11	

[1] There are **two several** types of accessory, habitable buildings:

- Accessory dwelling units, which are allowed in the R/MU and RES zones, and Junior Accessory Dwelling Units, which are allowed in the RES zone on single-family and multi-family zoned lots, pursuant to Sec. 8107-1.7 (AM. ORD. 4519 - 2/27/18), and
- Caretaker dwelling units and those for Superintendent/Owner, which are allowed in the TC, R/MU, and IND zones.

[2] Duplexes are allowed in the R/MU zone when only a 3/4" water meter is available.

### Sec. 8119-1.4.2 - Requirements for all Building Types

See [Sec. 8119-1.4.3 through Sec. 8119-1.4.11](#) for detailed Building Type standards.

#### a. Building Size, Massing and Materials

All *Principal* and *Secondary* uses shall be conducted within a completely enclosed building, unless the use is specifically identified as an outdoor use or is one which must be located outdoors in order to function.

- 1. Corner Lots:** When a building is located on a corner lot, the *Primary* and *Side Street* façades shall utilize the same materials and finishes.
- 2. Street-Facing Façades:** In order to ensure that building size and massing is consistent with the small-town character of Old Town Saticoy:
  - The length of *façade* shall be limited to the standards in [Tables 1.4.3. through 1.4.11.](#)
  - If the *façade* length exceeds 100 feet, the *façade* shall be visually broken up into multiple vertical segments (Also see [Sec. 8119-1.4.2\(a\)\(3\). Building Façades](#)).



Example of a commercial building that breaks a long façade into multiple vertical segments.

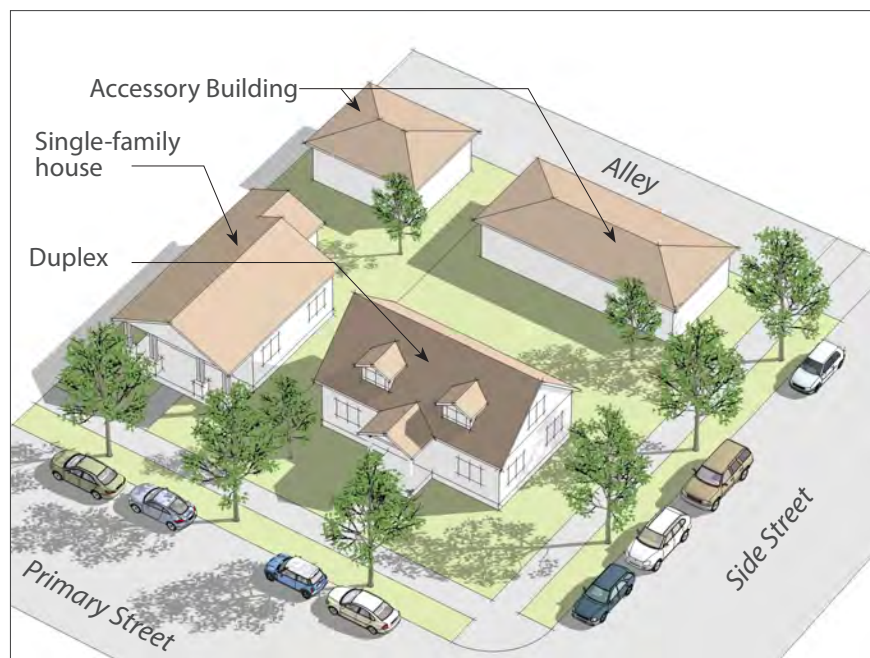


## Sec. 8119-1.4.8 - Single-Family House and Duplex

Single-Family Houses and Duplexes are “house-form” buildings that are surrounded on all four sides by setbacks (front yard, side yards, rear yard). Single-Family Houses contain only one unit. Duplexes contain two dwelling units, which can be organized side-by-side or vertically (top/bottom units). On-site open space is provided by a rear yard. All Single-Family and Duplex Buildings shall meet the standards listed in [Table 1.4.8](#).

Habitable and non-habitable Accessory Structures such as accessory dwelling units, garages, and storage rooms may be located on a single-family lot [or a multifamily lot](#) per the requirements of [Tables 1.3.3\(a\) to 1.3.3\(e\)](#), and [Sec. 8107-1.7](#). For Building Type Standards for habitable and non-habitable Accessory structures, see [Sec. 8119-1.4.10](#) and [Sec. 8119-1.4.11](#)). [For additional Accessory Dwelling Unit and Junior Accessory Dwelling Unit requirements, see Sec. 8107-1.7.](#)

(AM. ORD. 4519 - 2/27/18)



*Single-Family House (left) and Duplex (right) Building Types with detached garages shown in back yard along alleyway.*



*Illustrative Photo of Single-Family House*



*Illustrative Photo of Single-Family or Duplex dwelling*

## Sec. 8119-1.4.10 - Accessory Dwellings (and other habitable structures)

(AM. ORD. 4507/4509 - 3/14/17 (expired 3/14/18);  
AM. ORD. 4519 - 2/27/18)

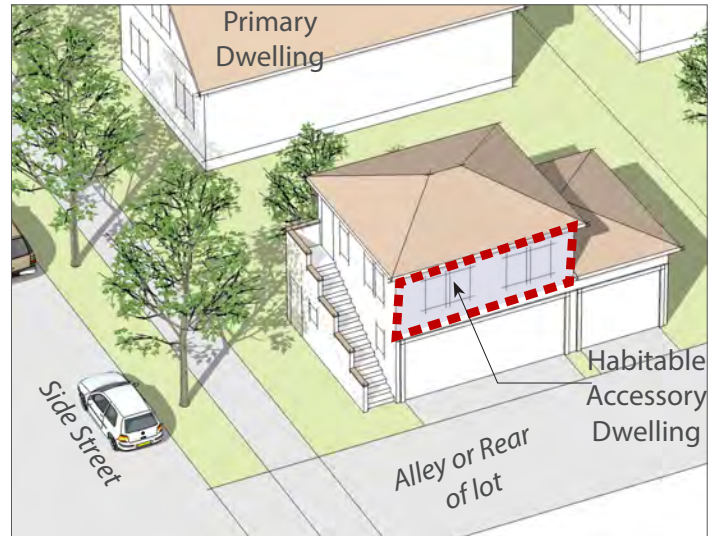
Accessory dwellings share the lot with a single-family dwelling (or other *principal use*), and shall be smaller than the *principal* dwelling and located at the rear of the lot (See [Table 1.3.3\(a\)](#)) in one of the following configurations:

### a. Accessory Dwellings:

These types of dwellings include, but are not limited to, Accessory Dwelling Units (ADUs) in the R/MU and RES zones, Junior Accessory Dwelling Units (JADUs) in the RES zone, and live/work units, Caretakers Dwelling units, or units for Superintendent or Owner (as permitted by [Sec. 8119-1.2](#)) in the TC, R/MU and IND zones. In general, these units include bathing sanitation facilities (i.e. toilet, and shower or bathtub) or a kitchen, or both, and can be attached to the *principal* dwelling or a garage, but cannot have internal access to the *principal* dwelling or garage. Apply Sec. 8107-1.7 for all other requirements related to ADUs and JADUs (with the exception of minimum lot requirement).

### b. Other habitable accessory structures:

An attached or detached habitable dwelling located above or beside a non-habitable accessory building (such as garage, or storage shed). Uses for these structures include, but are not limited to, artists studios, workshops and workout rooms. This type of structure shall not include bathing facilities or kitchens, and has no internal access to the *principal use*. Habitable accessory structures are not intended as dwelling units.



A habitable Accessory Dwelling Type configured as an accessory dwelling unit on top of a garage, detached from the primary building.

Multiple habitable accessory structures are allowed on one lot, but can include only the number of ADUs and JADUs as specified in Sec. 8107-1.7 one accessory dwelling unit. All structures shall comply with all pertaining zone standards (setbacks, lot coverage, etc). All Accessory Buildings shall meet the standards listed in [Table 1.4.10](#).



Illustrative Photo of a habitable Accessory Dwelling unit located over a garage (a two-story configuration).



Illustrative Photo of a habitable Accessory Dwelling located behind the principal dwelling (a one-story configuration).



**TABLE 1.4.10. ACCESSORY DWELLINGS (AND OTHER HABITABLE STRUCTURES)**

STANDARD	ZONE			
	TC	R/MU	RES	IND
1. LOT SIZE <sup>1</sup>				
A. Width	50 ft. min.			
B. Depth	100 ft. min.			
C. Min. Lot Size (SF)	As determined by the PD or CUP for the use on site		n/a 8,000-SF min. (for Accessory Dwelling Unit only)	As determined by the PD or CUP for the use on site
2. BUILDING SIZE AND MASSING <sup>1</sup>				
A. Height (max.)	1 story / 15 ft.	1 story / 15 ft.	2 stories / 25 ft. ; 1 story / 15 ft.	1 story / 15 ft.
B. Length along alley	30 ft. max.	n/a	30 ft. max.	n/a
C. Length along side yard	20 ft. max.			
D. Building and Unit size for Accessory Dwellings Units (SF) <sup>1,2</sup>	Caretakers, and Superintendent/Owners: 700 SF max. building footprint; Dwelling size: 400 SF min. to 700 SF max		n/a Accessory Dwelling Unit (ADU) <sup>3</sup> :- 700-SF max. building footprint (for detached ADUs only); Dwelling size: 1,200-SF max;	Same as TC and R/MU
3. PEDESTRIAN ACCESS FROM PRIMARY OR SIDE STREET				
A. Internal lots	Side yard connected to a Primary Street; or rear yard connected to an alley	Side yard connected to a Primary Street	Side yard connected to a Primary Street; or rear yard connected to an alley	Side yard connected to a Primary Street
B. Corner lots	From Side street, required			
4. PARKING ACCESS <sup>4</sup>				
A. Lot with alley	From alley	n/a	From alley	n/a
B. Corner lot without alley	Min. 12 ft. wide driveway connected to a Side Street			
C. Internal lot without alley	Min. 12 ft. wide driveway connected to a Primary Street, located as close to side yard property line as possible.			
5. PARKING TYPE				
A. Type	Surface lot, garage, carport, or open			
6. OPEN SPACE AND LANDSCAPE				
A. Side Street Setbacks	Landscaping required in Side Street setback			
B. Private Open Space	n/a		• Ground floor units: Rear/side yard; min. size: 80 SF. • Balcony (for 2nd story unit only): min. size: 40 SF with min. dimensions 5 ft. x 8 ft.	n/a
C. Common Open Space	10 ft. min. width along rear or side yard facing accessory structure			
7. FRONTAGE				
A. Ground Floor	No frontage type required (may include Stoop in RES zone - See <a href="#">Sec. 8119-1.5.4</a> ); Street- and alley-facing windows required.			
B. Upper Floors	Street- and alley-facing windows required			

[1] Refers to Gross Floor Area.

[2] Multiple accessory structures are allowed on one lot, but shall not exceed a cumulative gross floor area of 2,000 SF, except for ADUs allowed pursuant to Sec. 8107-1.7. This may include a combination of structures identified in [Sec. 8119-1.4.10\(b\)](#) and [Sec. 8119-1.4.11](#). See [Sec. 8107-1.7](#) for the maximum allowable number and unit size for ADUs and JADUs per lot. Only one Accessory Dwelling Unit can be accommodated per lot (see max. size of Accessory Dwellings in 2.D. in Table 1.4.10 above).

[3] These lot size, building size and massing requirements do not apply to ADUs. See Section 8107-1.7. Other than the specific provisions for ADUs listed in Sec. 8119-1.3.2, Sec. 8119-1.3.3 and Sec. 8119-1.4.10, all other standards regulating ADUs listed in Sec. 8107-1.7 shall apply. An Accessory Dwelling unit is allowed on a Residential parcel with a Single-Family home only if the lot size is 8,000 SF or more.

[4] Driveway standards may be adjusted as per requirements of the Ventura County Fire Prevention District.

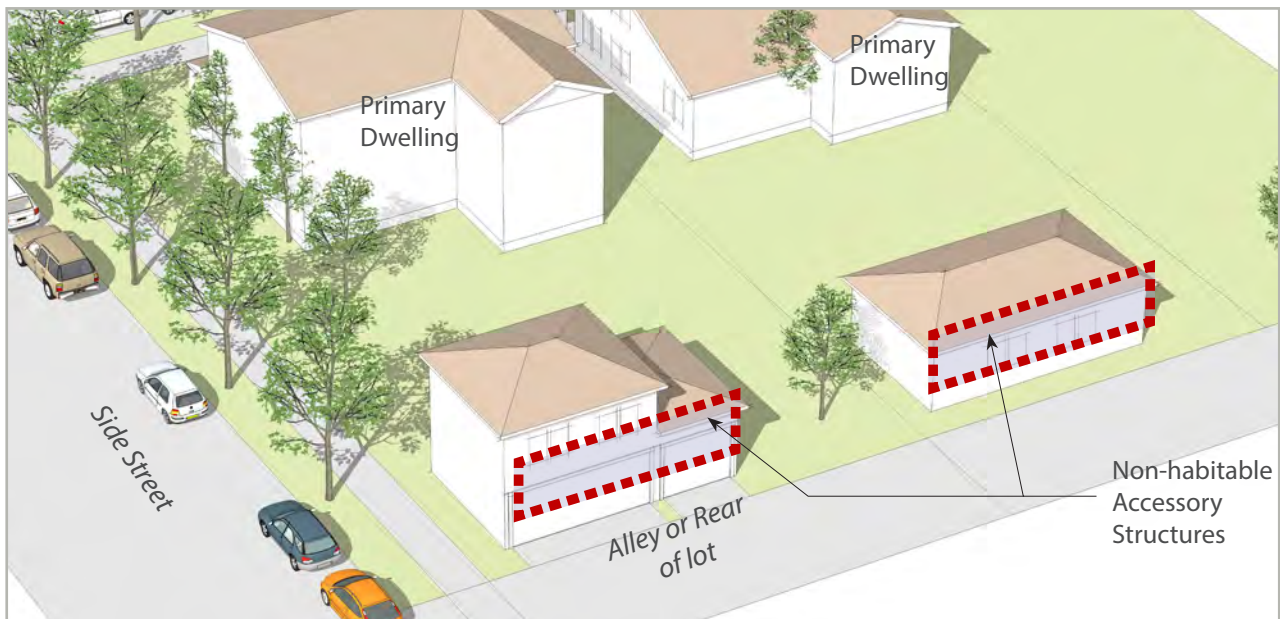
## Sec. 8119-1.4.11 - Accessory Structure (Non-habitable)

(AM. ORD. 4519 - 2/27/18)

*Accessory Structures* which are non-habitable include separate buildings that share a lot with a street-facing single-family house, duplex, *triplex* or *quadplex*. These *Accessory Structures* are one-story and include a detached garage, storage shed, or similar uses. Non-habitable *accessory structures* must be smaller than the *principal dwelling* and are located at the rear of the lot.

All non-habitable *Accessory Structures* shall meet the standards listed in [Table 1.4.11](#).

*Note: An accessory dwelling unit may be located above or beside a garage, as long as there is no internal access. (Refer to [Sec. 8107-1.7.5\(i\)](#) [Sec. 8107-1.7.2\(o\)](#))*



A non-habitable Accessory Building Type configured as the following:

(on left): as a garage, detached from the primary building, with a habitable accessory dwelling unit located on top; and (on right) as a single-story detached structure such as a garage, workshop, storage shed, etc.



*Illustrative Photo of a ground-floor non-habitable garage, configured with a habitable accessory unit above it with no internal access and detached from the principal dwelling.*



*Illustrative Photo of a one-story non-habitable Accessory Structure (storage shed) located behind the principal dwelling.*

## PERMITTED USES IN OLD TOWN SATICOY, BY ZONE

	TC	R/MU	RES	IND
<b>WAREHOUSING AND STORAGE, INDOOR ONLY</b>				PD
Building Materials, Movers' Equipment, etc.				PD
Ministorage, with or without RV Storage *				CUP
Warehousing and Storage, with outdoor storage				CUP
<b>WASTE HANDLING, WASTE DISPOSAL AND RECYCLING FACILITIES *</b>				
Recyclables Collection Centers*				ZC
Reuse Salvage Facilities (Indoor only)				CUP
Temporary Collection Activities *	ZC	ZC	ZC	ZC
Waste Collection And Processing Activities To Mitigate An Emergency *	ZC	<i>Pursuant to Sec. 8107-36.3.12</i>		ZC
<b>WASTEWATER/SEWAGE TREATMENT FACILITIES</b>				
Individual Sewage Disposal Systems				
On-Site Wastewater Treatment Facilities				
<b>WATER PRODUCTION, STORAGE, TRANSMISSION, AND DISTRIBUTION FACILITIES</b>				
4 Or Fewer Domestic Service Connections (Privately Operated)	ZC	ZC	ZC	ZC
5 Or More Domestic Service Connections (Privately Operated)	PD	PD	PD	PD
Well Drilling For Use Only On Lot Of Well Location	E	E	E	E
<b>WHOLESALE TRADE</b>				CUP
<b>B] ACCESSORY USES AND STRUCTURES</b>				
<b>ACCESSORY USES AND STRUCTURES</b>	ZC	ZC	ZC	ZC
Keeping of Animals				
Pet animals <i>Per Sec. 8107-2.4</i>	E	E	E	
Security animals ( <i>See Sec. 8107-2.4.4</i> )	E			E
More Animals Than Permitted	CUP			CUP
Youth projects *			ZC-W	
Dwellings:				
Buildings For Human Habitation:				
<i>Live/Work Units</i>	PD			
For Caretaker (with or without pets)				CUP
For Superintendent Or Owner	CUP	PD		CUP
Accessory Dwelling Unit (ADU)* (AM. ORD. 4519 - 2/27/18)		<i>Pursuant to Sec. 8107-1.7</i>		
Junior Accessory Dwelling Unit (JADU)*			<i>Pursuant to Sec. 8107-1.7</i>	

E = Exempt

ZC = Zoning Clearance<sup>1</sup>ZC-W = Zoning Clearance  
with signed waivers<sup>1</sup>PD = Planned Development  
Permit<sup>1</sup>CUP = Conditional Use  
Permit<sup>1</sup>Not  
allowed

Exempt

Approved  
by Planning  
Director or  
DesigneeApproved  
by Planning  
CommissionApproved  
by Board of  
Supervisors

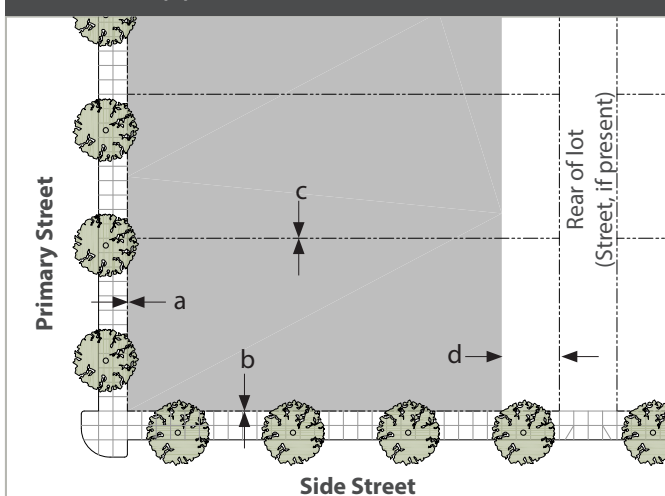
\* There are specific regulations for this use; see Article 7.

<sup>1</sup> Includes a review for conformance with the Old Town Saticoy Development Code.



1. Buildings shall be located within the building site per [Table 1.3.2\(a\)](#) below. Setbacks are measured as per Sec. 8106-4.
2. See [Sec. 8119-1.4](#) (Building Type Standards) for allowed building types, minimum and maximum lot width and depth dimensions, and applicable design requirements.
3. Corner lots along L.A. Avenue shall include ground-floor commercial retail facing L.A. Avenue.
4. See [Sec. 8119-1.8](#) for additional requirements.
5. Outdoor uses (such as dining) must be located within the property line.

### TABLE 1.3.2(a) BUILDING PLACEMENT STANDARDS



Buildable area		Property Line	
PRIMARY BUILDING		MIN.	MAX.
a	Primary Street Setback <sup>1</sup>	10 ft.	20 ft. <sup>2</sup>
b	Side Street Setback <sup>1</sup>	5 ft.	15 ft. <sup>2</sup>
c	Side Setback	5 ft.; 8 ft. for three story buildings	–
d	Rear Setback	10 ft.	–

## ACCESSORY BUILDING

Pursuant to Sec. 8107-1.7, an accessory dwelling unit (ADU) shall be allowed on a lot zoned R/MU with an existing or proposed single-family or multifamily dwelling.<sup>3</sup> In all other instances, no detached habitable Accessory Buildings are allowed within the R/MU Zone. However, an attached habitable Accessory Dwelling for a Superintendent or Owner is allowed (See [Sec. 8119-1.4.10](#)).

[1] Primary or Side Street setbacks to be landscaped or paved as per [Sec. 8119-1.4.2\(e\)](#).

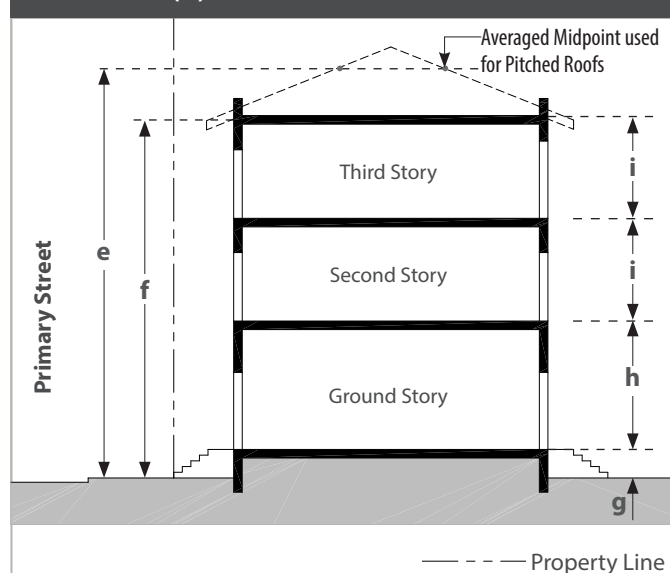
[2] Exceptions are available for outdoor uses (such as dining, landscaping, etc.)

[3] See **Sec. 8119-1.3.3(a) and (b)** for building placement and building profile standards for ADUs. (AM. ORD. 4519 - 2/27/18)

### b. Building Profile

1. Building heights shall comply with the standards listed in [Table 1.3.2\(b\)](#), and are measured as per [Sec. 8119-1.8.2](#). Floor heights are measured floor to floor.
2. The maximum height of buildings with flat roofs shall include parapets and roof decks.
3. Chimneys and other architectural features may project beyond the maximum building height as allowed by the California Building Code and Sec. 8106-7.

### TABLE 1.3.2(b) BUILDING PROFILE STANDARDS



PRIMARY BUILDING		MIN.	MAX.
e	Building height (stories)	1	3
	Building height (ft.) for pitched roofs	–	50
	Building height (ft.) for flat roofs	–	45
f	Building height (ft.) to top-of-plate	16	40
g	Ground floor level above sidewalk (ft.)		
	Nonresidential	0	2
	Residential	0	2
h	Ground story floor to floor height (ft.)		
	Nonresidential	12	30
	Residential	12	20
i	Upper story floor to floor height (ft.)	10	15

## ACCESSORY BUILDING

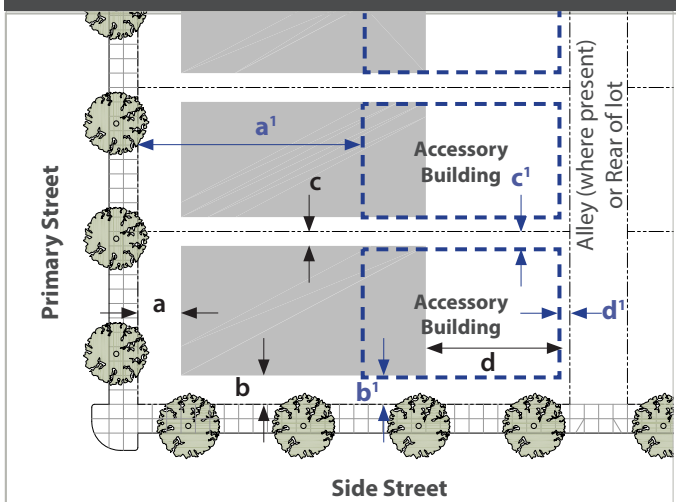
The height of the attached Accessory Buildings shall not exceed the height of the *Primary Building*. For ADUs, however, the maximum building height shall be pursuant to Sec. 8107-1.7.

### Sec. 8119-1.3.3 - Residential (RES) Zone

#### a. Building Placement (AM. ORD. 4519 - 2/27/18)

- Buildings, Accessory Dwelling units (ADU) pursuant to Sec. 8107-1.7.5, and other habitable/non-habitable accessory buildings shall be located within the building site per [Table 1.3.3\(a\)](#) below, except that setbacks for ADUs shall be consistent with Sec. 8107-1.7.5. Setbacks are measured as per Sec. 8106-4.
- See [Sec. 8119-1.4](#) (Building Type Standards) for allowed building types, minimum and maximum lot width and depth dimensions, and applicable design requirements.
- See [Sec. 8119-1.8](#) for additional requirements.
- For all other applicable standards regarding ADUs, see Sec. 8107-1.7.

**TABLE 1.3.3(a) BUILDING PLACEMENT STANDARDS**



PRIMARY BUILDING		MIN.	MAX.
<b>a</b>	Primary Street Setback <sup>1</sup>	15 ft. or prevailing setback for block length	20 ft.
<b>b</b>	Side Street Setback <sup>1</sup>	10 ft.	–
<b>c</b>	Side Setback	5 ft.	–
<b>d</b>	Rear Setback	10 ft.	–
ACCESSORY BUILDING		MIN.	MAX.
<b>a¹</b>	Primary Street Setback <sup>1</sup>	Locate on Rear 40% of lot	
<b>b¹</b>	Side Street Setback <sup>1,3</sup>	10 ft.	–
<b>c¹</b>	Side Setback <sup>2,3</sup>	5 ft.	–
<b>d¹</b>	Rear Setback <sup>2,3</sup>	5 ft.	–

[1] Primary and Side Street setbacks shall be landscaped.

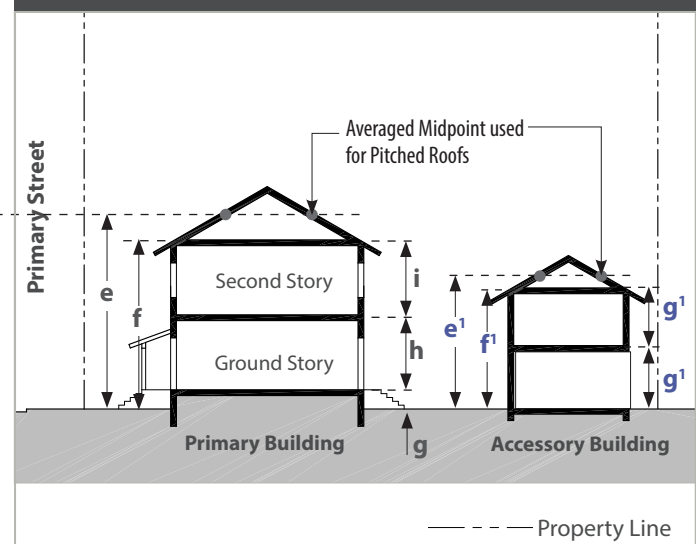
[2] An exception is allowed for non-habitable accessory buildings where the minimum side and rear setback can be 3 ft. (Per Sec. 8106-5.1).

[3] Minimum setbacks for ADUs shall be pursuant to Sec. 8107-1.7.

#### b. Building Profile (AM. ORD. 4519 - 2/27/18)

- Building heights shall comply with the standards listed in [Table 1.3.3\(b\)](#) below and are measured as per [Sec. 8119-1.8.2](#). Floor heights are measured floor to floor.
- The maximum height of buildings with flat roofs shall include parapets and roof decks.
- Chimneys and other architectural features may project beyond the maximum building height as allowed by the California Building Code and Sec. 8106-7.

**TABLE 1.3.3(b) BUILDING PROFILE STANDARDS**



PRIMARY BUILDING		MIN.	MAX.
<b>e</b>	Building height (stories)	1	2
<b>f</b>	Height to top-of-plate (ft.)	–	35
<b>g</b>	Ground floor level above sidewalk (ft.)	0	3
<b>h</b>	Ground story height (ft.)	9	12
<b>i</b>	Upper story height (ft.)	9	12
ACCESSORY BUILDING		MIN.	MAX.
<b>e¹</b>	Building height (stories)	1	2¹
	Building height (ft.) <sup>2,3</sup>	–	25
<b>f¹</b>	Height to top-of-plate (ft.)	–	20
<b>g¹</b>	Floor height (ft.)	9	10

[1] Only allowed if it is: (a) a 2-story ADU, or (b) an ADU located over a non-habitable accessory building.

[2] Building height of Accessory Building shall not exceed the height of the Primary Building.

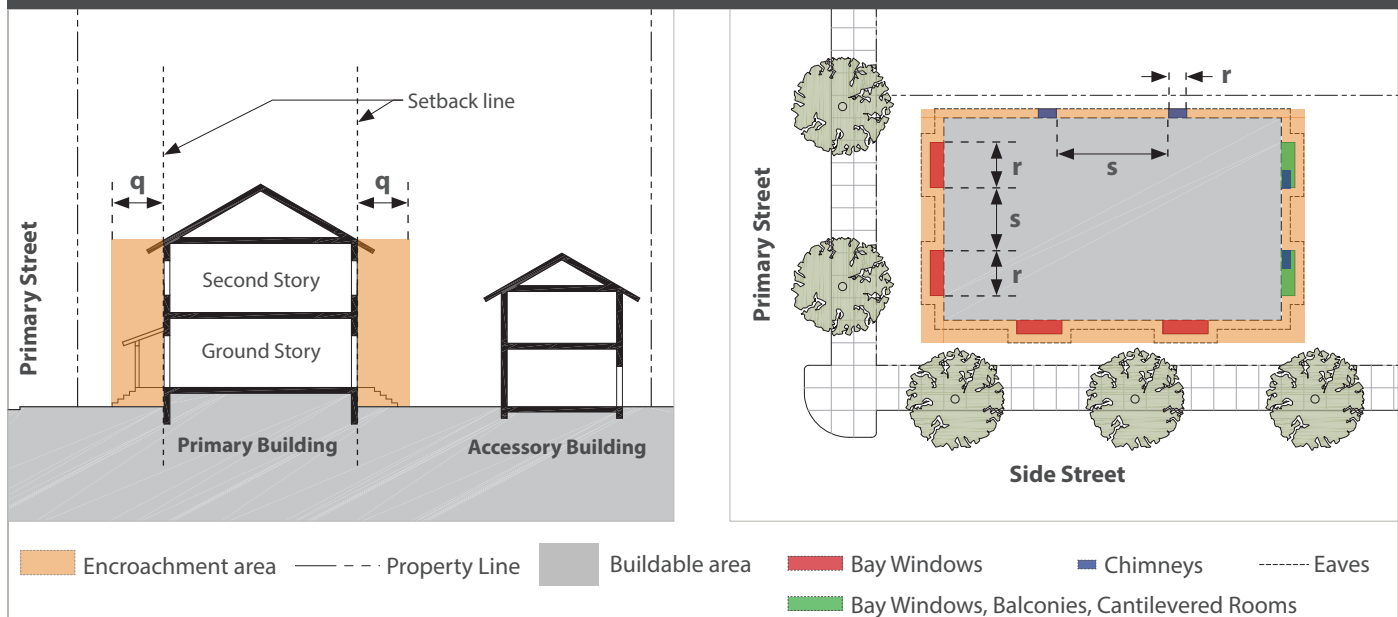
[3] Maximum building height for ADUs shall be pursuant to Sec. 8107-1.7.

### Sec. 8119-1.3.3 - Residential (RES) Zone (contd.)

#### e. Building Encroachments

1. Permitted *frontage* types per [Sec. 8119-1.5](#) (Frontage Type Standards) may encroach into setbacks as identified in [Table 1.3.3\(e\)](#) below.
2. Architectural elements, including bay windows, balconies (covered or uncovered), chimneys, eaves, and signage may encroach into setbacks as identified in [Table 1.3.3\(e\)](#) below. As part of the main building, cantilevered rooms are also allowed to encroach.
3. No encroachments shall be permitted within the public right-of-way.
4. Maximum dimensions of architectural elements, including bay windows, balconies (covered or uncovered), cantilevered rooms, chimneys, and eaves are indicated in [Table 1.3.3\(e\)](#) below. See [Sec. 8119-1.5](#) (Frontage Type Standards) for dimensions of allowed *frontage* types and [Sec. 8119-1.6](#) (Signage Standards) for dimensions of allowed signage types.
5. See following sections for allowances: Sec. 8106-5 for fire escapes and open unenclosed stairways (Sec. 8106-5.6); depressed ramps (Sec. 8106-5.8); uncovered, unenclosed landing and porches (Sec. 8106-5.9); and decks (Sec. 8106-5.10).

TABLE 1.3.3(e) BUILDING ENCROACHMENT STANDARDS



#### BUILDING ENCROACHMENT STANDARDS

ENCROACHMENT TYPE	MAXIMUM ENCROACHMENT (q)				MAX. LENGTH		MIN. DISTANCE BETWEEN ENCROACHMENTS (s)
	FRONT	SIDE STREET	SIDE YARD	REAR YARD	PER INDIVIDUAL ENCROACHMENT (r)	ALL ENCROACHMENTS COMBINED	
Bay Windows <sup>1</sup>	3 ft.	3 ft.	0 ft.	3 ft.	12 ft.	20 ft. or 45% of façade length, whichever is greater	8 ft.
Balconies <sup>2</sup>	3 ft.	3 ft.	0 ft.	3 ft.			
Cantilevered rooms <sup>2</sup>	0 ft.	0 ft.	0 ft.	2 ft.			
Chimneys	2 ft.	2 ft.	2 ft.	2 ft.	4 ft.	16 ft.	8 ft.
Eaves	2 ft. <sup>3</sup>	2 ft. <sup>3</sup>	2 ft.	2 ft. <sup>3</sup>	n/a	100% of façade length	n/a
Porch, Stoop	5 ft.	5 ft.	2 ft.	2 ft.	See <a href="#">Sec. 8119-1.5.4</a> and <a href="#">Sec. 8119-1.5.5</a>		

[1] Bay windows are allowed only on the ground floor.

[2] Balconies and cantilevered rooms are allowed only on second floor.

[3] Eaves may encroach up to 5 feet into front, rear and side street setback when extending from a bay window, covered balcony, or cantilevered room.

## Sec. 8119-1.4 - Building Type Standards

### Sec. 8119-1.4.1 - Allowable Building Types by Zone

A parcel may only be developed with a building type allowed by this Section. Allowable building types for each zone in Old Town Saticoy are shown in [Table 1.4.1](#) below. Section references in the table indicate the location for Building Type standards.

BUILDING TYPES	ZONE			
	TC	R/MU	RES	IND
Commercial/Mixed-Use Building	Sec. 8119-1.4.3	Sec. 8119-1.4.3		Sec. 8119-1.4.3
Courtyard Building	Sec. 8119-1.4.4	Sec. 8119-1.4.4		
Townhouse		Sec. 8119-1.4.5		
Small Apartment Building		Sec. 8119-1.4.6		
Triplex and Quadplex		Sec. 8119-1.4.7	Sec. 8119-1.4.7	
Single-Family House and Duplex		Sec. 8119-1.4.8 <sup>2</sup>	Sec. 8119-1.4.8	
Industrial Building				Sec. 8119-1.4.9
Accessory Dwellings (habitable) <sup>1</sup>	Sec. 8119-1.4.10	Sec. 8119-1.4.10	Sec. 8119-1.4.10	Sec. 8119-1.4.10
Accessory Structures (non-habitable)			Sec. 8119-1.4.11	

[1] There are several types of accessory, habitable buildings:

- Accessory Dwelling Units, which are allowed in the R/MU and RES zones, and Junior Accessory Dwelling Units, which are allowed in the RES zone, pursuant to Sec. 8107-1.7 (AM. ORD. 4519 - 2/27/18), and
- Caretaker dwelling units and those for Superintendent/Owner, which are allowed in the TC, R/MU, and IND zones.

[2] Duplexes are allowed in the R/MU zone when only a 3/4" water meter is available.

### Sec. 8119-1.4.2 - Requirements for all Building Types

See [Sec. 8119-1.4.3 through Sec. 8119-1.4.11](#) for detailed Building Type standards.

#### a. Building Size, Massing and Materials

All *Principal* and *Secondary* uses shall be conducted within a completely enclosed building, unless the use is specifically identified as an outdoor use or is one which must be located outdoors in order to function.

1. **Corner Lots:** When a building is located on a corner lot, the *Primary* and *Side Street* *façades* shall utilize the same materials and finishes.
2. **Street-Facing Façades:** In order to ensure that building size and massing is consistent with the small-town character of Old Town Saticoy:
  - i. The length of *façade* shall be limited to the standards in [Tables 1.4.3. through 1.4.11.](#)
  - ii. If the *façade* length exceeds 100 feet, the *façade* shall be visually broken up into multiple vertical segments (Also see [Sec. 8119-1.4.2\(a\)\(3\). Building Façades](#)).



Example of a commercial building that breaks a long façade into multiple vertical segments.

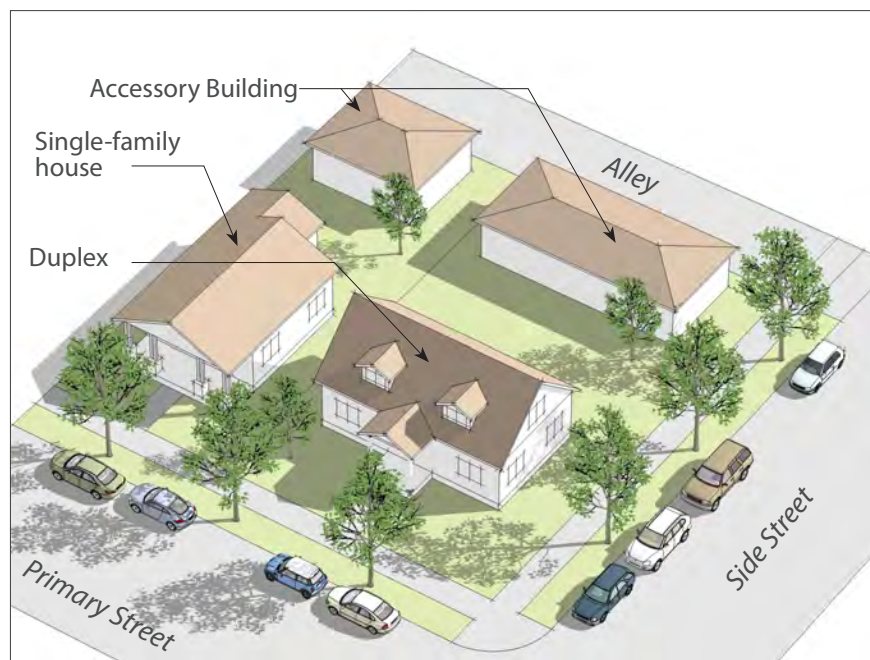


## Sec. 8119-1.4.8 - Single-Family House and Duplex

Single-Family Houses and Duplexes are “house-form” buildings that are surrounded on all four sides by setbacks (front yard, side yards, rear yard). Single-Family Houses contain only one unit. Duplexes contain two dwelling units, which can be organized side-by-side or vertically (top/bottom units). On-site open space is provided by a rear yard. All Single-Family and Duplex Buildings shall meet the standards listed in [Table 1.4.8](#).

Habitable and non-habitable Accessory Structures such as accessory dwelling units, garages, and storage rooms may be located on a single-family lot or a multifamily lot per the requirements of [Tables 1.3.3\(a\) to 1.3.3\(e\)](#), and Sec. 8107-1.7. For Building Type Standards for habitable and non-habitable Accessory structures, see [Sec. 8119-1.4.10 and Sec. 8119-1.4.11](#)). For additional Accessory Dwelling Unit and Junior Accessory Dwelling Unit requirements, see Sec. 8107-1.7.

(AM. ORD. 4519 - 2/27/18)



*Single-Family House (left) and Duplex (right) Building Types with detached garages shown in back yard along alleyway.*



*Illustrative Photo of Single-Family House*



*Illustrative Photo of Single-Family or Duplex dwelling*

## Sec. 8119-1.4.10 - Accessory Dwellings (and other habitable structures)

(AM. ORD. 4507/4509 - 3/14/17 (expired 3/14/18);  
AM. ORD. 4519 - 2/27/18)

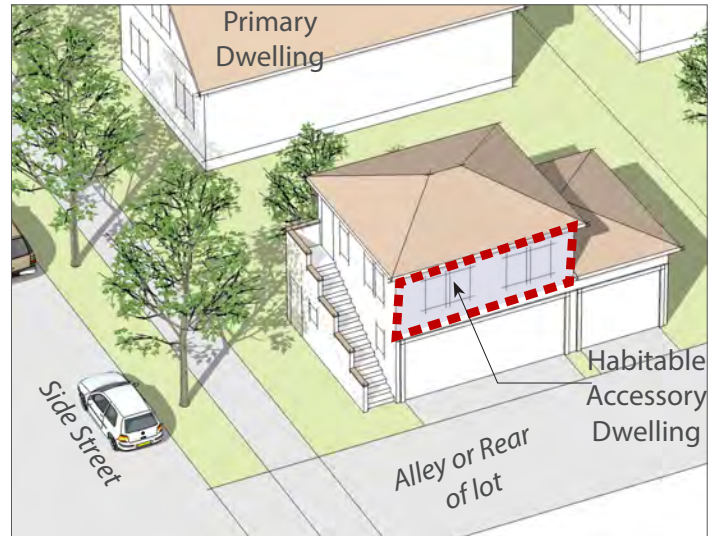
Accessory dwellings share the lot with a single-family dwelling (or other *principal use*), and shall be smaller than the *principal* dwelling and located at the rear of the lot (See [Table 1.3.3\(a\)](#)) in one of the following configurations:

### a. Accessory Dwellings:

These types of dwellings include, but are not limited to, Accessory Dwelling Units (ADUs) in the R/MU and RES zones, Junior Accessory Dwelling Units (JADUs) in the RES zone, and *live/work units*, Caretakers Dwelling units, or units for Superintendent or Owner (as permitted by [Sec. 8119-1.2](#)) in the TC, R/MU and IND zones. In general, these units include sanitation facilities (i.e. toilet, and shower or bathtub) or a kitchen, or both, and can be attached to the *principal* dwelling or a garage, but cannot have internal access to the *principal* dwelling or garage. Apply Sec. 8107-1.7 for all other requirements related to ADUs and JADUs.

### b. Other habitable accessory structures:

An attached or detached habitable dwelling located above or beside a non-habitable accessory building (such as garage, or storage shed). Uses for these structures include, but are not limited to, artists studios, workshops and workout rooms. This type of structure shall not include bathing facilities or kitchens, and has no internal access to the *principal use*. Habitable accessory structures are not intended as dwelling units.



A habitable Accessory Dwelling Type configured as an accessory dwelling unit on top of a garage, detached from the primary building.

Multiple habitable accessory structures are allowed on one lot, but can include only the number of ADUs and JADUs as specified in Sec. 8107-1.7. All structures shall comply with all pertaining zone standards (setbacks, lot coverage, etc). All Accessory Buildings shall meet the standards listed in [Table 1.4.10](#).



Illustrative Photo of a habitable Accessory Dwelling unit located over a garage (a two-story configuration).



Illustrative Photo of a habitable Accessory Dwelling located behind the principal dwelling (a one-story configuration).



TABLE 1.4.10. ACCESSORY DWELLINGS (AND OTHER HABITABLE STRUCTURES)				
STANDARD	ZONE			
	TC	R/MU	RES	IND
1. LOT SIZE <sup>3</sup>				
A. Width	50 ft. min.			
B. Depth	100 ft. min.			
C. Min. Lot Size (SF)	As determined by the PD or CUP for the use on site		n/a	As determined by the PD or CUP for the use on site
2. BUILDING SIZE AND MASSING <sup>3</sup>				
A. Height (max.)	1 story / 15 ft.	1 story / 15 ft.	2 stories / 25 ft. ; 1 story / 15 ft.	1 story / 15 ft.
B. Length along alley	30 ft. max.	n/a	30 ft. max.	n/a
C. Length along side yard	20 ft. max.			
D. Building and Unit size for Accessory Dwellings (SF) <sup>1,2</sup>	Caretakers, and Superintendent/Owners: 700 SF max. building footprint; Dwelling size: 400 SF min. to 700 SF max		n/a	Same as TC and R/MU
3. PEDESTRIAN ACCESS FROM PRIMARY OR SIDE STREET				
A. Internal lots	Side yard connected to a Primary Street; or rear yard connected to an alley	Side yard connected to a Primary Street	Side yard connected to a Primary Street; or rear yard connected to an alley	Side yard connected to a Primary Street
B. Corner lots	From Side street, required			
4. PARKING ACCESS <sup>4</sup>				
A. Lot with alley	From alley	n/a	From alley	n/a
B. Corner lot without alley	Min. 12 ft. wide driveway connected to a Side Street			
C. Internal lot without alley	Min. 12 ft. wide driveway connected to a Primary Street, located as close to side yard property line as possible.			
5. PARKING TYPE				
A. Type	Surface lot, garage, carport, or open			
6. OPEN SPACE AND LANDSCAPE				
A. Side Street Setbacks	Landscaping required in Side Street setback			
B. Private Open Space	n/a	<ul style="list-style-type: none"><li>Ground floor units: Rear/side yard; min. size: 80 SF.</li><li>Balcony (for 2nd story unit only): min. size: 40 SF with min. dimensions 5 ft. x 8 ft.</li></ul>		n/a
C. Common Open Space	10 ft. min. width along rear or side yard facing accessory structure			
7. FRONTAGE				
A. Ground Floor	No frontage type required (may include Stoop in RES zone - See <a href="#">Sec. 8119-1.5.4</a> ); Street- and alley-facing windows required.			
B. Upper Floors	Street- and alley-facing windows required			

[1] Refers to Gross Floor Area.

[2] Multiple accessory structures are allowed on one lot, but shall not exceed a cumulative gross floor area of 2,000 SF, except for ADUs allowed pursuant to Sec. 8107-1.7. This may include a combination of structures identified in [Sec. 8119-1.4.10\(b\)](#) and [Sec. 8119-1.4.11](#). See Sec. 8107-1.7 for the maximum allowable number and unit size for ADUs and JADUs per lot.

[3] These lot size, building size and massing requirements do not apply to ADUs. See Section 8107-1.7.

[4] Driveway standards may be adjusted as per requirements of the Ventura County Fire Prevention District.

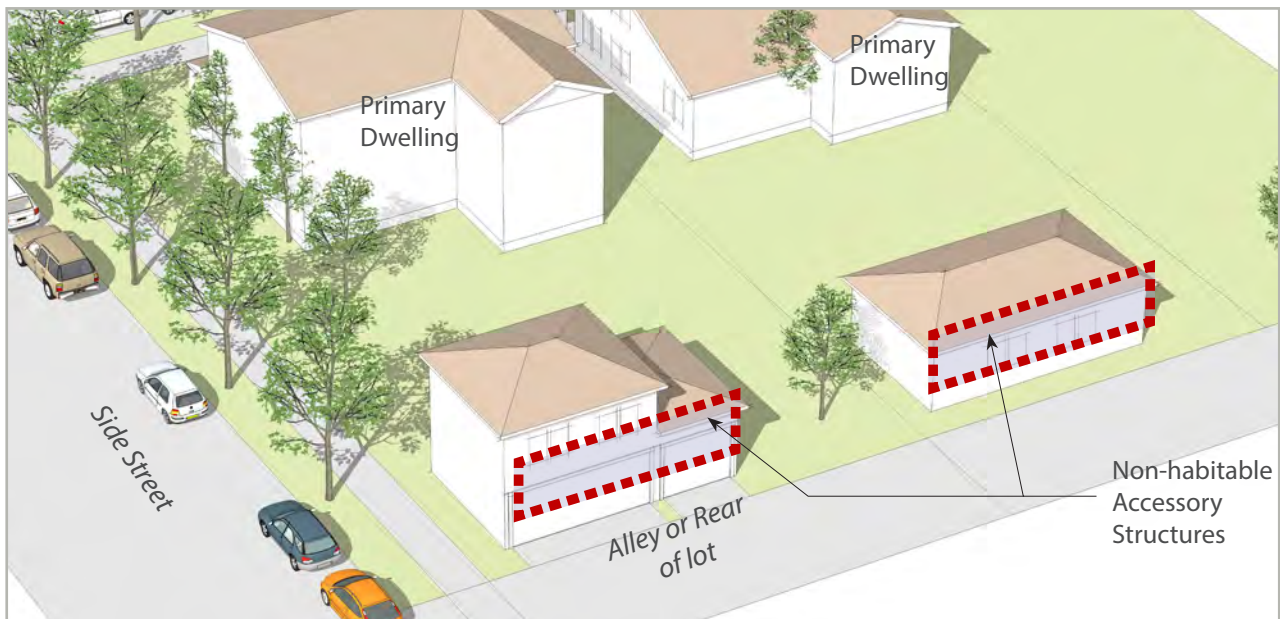
## Sec. 8119-1.4.11 - Accessory Structure (Non-habitable)

(AM. ORD. 4519 - 2/27/18)

Accessory Structures which are non-habitable include separate buildings that share a lot with a street-facing single-family house, duplex, *triplex* or *quadplex*. These Accessory Structures are one-story and include a detached garage, storage shed, or similar uses. Non-habitable accessory structures must be smaller than the *principal* dwelling and are located at the rear of the lot.

All non-habitable Accessory Structures shall meet the standards listed in [Table 1.4.11](#).

*Note: An accessory dwelling unit may be located above or beside a garage, as long as there is no internal access. (Refer to Sec. 8107-1.7.5(i))*



A non-habitable Accessory Building Type configured as the following:

(on left): as a garage, detached from the primary building, with a habitable accessory dwelling unit located on top; and (on right) as a single-story detached structure such as a garage, workshop, storage shed, etc.



*Illustrative Photo of a ground-floor non-habitable garage, configured with a habitable accessory unit above it with no internal access and detached from the principal dwelling.*



*Illustrative Photo of a one-story non-habitable Accessory Structure (storage shed) located behind the principal dwelling.*

**August 18, 2022**

**Planning Commission Hearing**

**Non-Coastal Zoning Ordinance Amendments  
for Accessory Dwelling Units and Junior  
Accessory Dwelling Units (PL20-0023)**



**Resource Management Agency, Planning Division  
Ruchita Kadakia, Manager,  
Housing and State Mandates**



# Intent for Today's Presentation

1. Project Objective and Scope
2. Background
3. Proposed Amendments to the Non-Coastal Zoning Ordinance
4. CEQA Exemption and Findings
5. Public Outreach and Comments
6. Recommended Actions



# Project Objective and Scope

Update County's ADU regulations to be consistent with updated State Law requirements:

- Government Code Section 65852.2 (ADUs); and
- Government Code Section 65852.22 (JADUs)



# 2021-2029 Housing Element Sites Inventory (6<sup>th</sup> Cycle RHNA)

## ADUs and JADUs:

- Consist of approx. 44% of the overall RHNA
- ADUs and JADUs consist of almost half of all low-income units

TABLE 5-41 HOUSING INVENTORY SUMMARY FOR LOWER, MODERATE, AND ABOVE MODERATE-INCOME CATEGORIES				
	Lower Income (less than 80% of median)	Moderate Income (80-120% of median)	Above- Moderate Income (greater than 120% of median)	TOTAL
RHD Zoned Sites	220	-	30	250
ADUs and JADUs	258	235	67	560
Farmworker and Animal Caretaker Dwelling Units	8	-	-	8
<b>Approved Residential Projects</b>				
CSUCI University Glen Phase 2	170	310	120	600
Somis Ranch Farmworker Housing Complex <sup>33</sup>	200	-	-	200
Rancho Sierra Supportive Housing	50	-	-	50
Reider Tract (Piru)	5	44	-	49
Finch Tract (Piru)	-	113	62	175
<b>Vacant Sites in Existing Communities</b>				
Camarillo Heights/Las Posas Estates	-	-	51	51
Bell Canyon	-	-	62	62
Santa Rosa Valley	-	-	12	12
Lake Sherwood	-	-	76	76
<b>Total</b>	<b>911</b>	<b>702</b>	<b>480</b>	<b>2,093</b>
<b>2021-2029 RHNA Target</b>	<b>544</b>	<b>250</b>	<b>468</b>	<b>1,262</b>
Surplus (percent of RHNA)	367 (67%)	452 (181%)	12 (3%)	831 (66%)



# Background

# ADU Regulations in the County

- 2003 -** County adopted a Second Dwelling Unit Ordinance, the precursor to ADUs
- 2017/18 -** State laws updated ADU regulations to allow certain types of ADUs with only a Building Permit, and added JADUs
- 2018 -** County adopted an ordinance addressing 2017/18 Laws to update ADU regulations; did not include JADUs
- 2018-2021 -** New ADU Laws expanded regulations for Building Permit ADUs and JADUs, made restricting ADUs more difficult

# New ADU Laws (2018-2021)

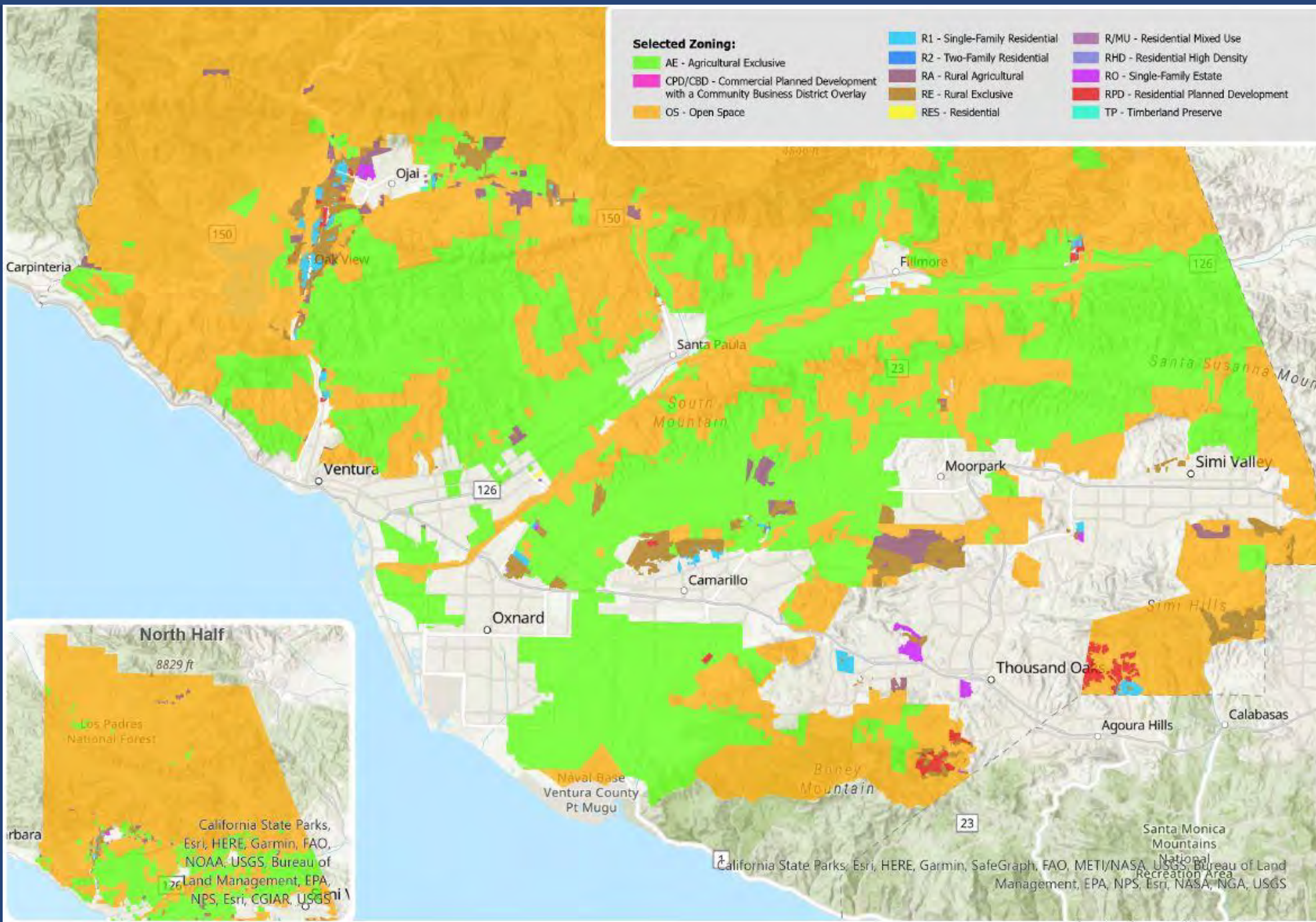
- Create two tracks for approving ADUs:
  - Building Permit only; or
  - With a Zone Clearance
- Expand types of ADUs that must be approved only with a Building Permit
- Allow multiple ADUs with multifamily dwelling structures
- Remove minimum lot size and owner occupancy requirements for ADUs
- Require inclusion of JADUs and identify specific requirements
- Establish development and parking standards for ADUs and JADUs
- Require that rental terms for ADUs and JADUs must exceed 30 consecutive days
- Existing development standards cannot preclude the creation of an 800 sq. ft. ADU
- Require a high evidentiary showing for inclusion of impact areas in ordinance



# Proposed Amendments to the Non-Coastal Zoning Ordinance (Articles 2, 5, 7, 8, 11, and 19)



# Location of Allowable Zones for ADUs and JADUs





# Article 5, Sec. 8105-4 – Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones

[illegible]



# Proposed Amendments

## Article 5, Sec. 8105-5 – Permitted Uses in Commercial and Industrial Zones

### Sec. 8105-5 - Permitted Uses in Commercial and Industrial Zones

	CO	C1	CPD	M1	M2	M3
MIXED USE DEVELOPMENT WITHIN THE CBD OVERLAY ZONE PER SECTION 8109-4.5.5 (37)			PD			
<u>Accessory Dwelling Unit (ADU) within the CBD overlay zone*</u>			<u>Pursuant to Sec. 8107-1.7</u>			

## Article 19, Sec. 8119-1.2 – Permitted Uses in Old Town Saticoy Development Code

### PERMITTED USES IN OLD TOWN SATICOY, BY ZONE

	TC	R/MU	RES	IND
<b>B] ACCESSORY USES AND STRUCTURES</b>				
ACCESSORY USES AND STRUCTURES	ZC	ZC	ZC	ZC
Keeping of Animals				
Pet animals <i>Per Sec. 8107-2.4</i>	E	E	E	
Security animals <i>(See Sec. 8107-2.4.4)</i>	E			E
More Animals Than Permitted	CUP			CUP
Youth projects *			ZC-W	
Dwellings:				
Buildings For Human Habitation:				
Live/Work Units	PD			
For Caretaker (with or without pets)				CUP
For Superintendent Or Owner	CUP	PD		CUP
Accessory Dwelling Unit (ADU)* (AM. ORD. 4519 - 2/27/18)		<u>Pursuant to Sec. 8107-1.7</u>		
<u>Junior Accessory Dwelling Unit (JADU)*</u>			<u>Pursuant to Sec. 8107-1.7</u>	

# Proposed Amendments (Section 8107-1.7 – ADUs and JADUs)

8107-1.7.1: Purpose

8107-1.7.2: Definitions (*specific to this Section*)

8107-1.7.3: Types of ADUs

8107-1.7.4: ADUs allowed with a Building Permit  
(*Building Permit ADUs*)

8107-1.7.5: Development Standards for ADUs Not Authorized  
under Section 8107-1.7.4 (*ADUs allowed by Zone Clearance*)

8107-1.7.6: JADU requirements

8107-1.7.7: Application Processing and General Requirements

# ADU Definition (Sec. 8102-0)

## Dwelling Unit, Accessory (ADU)

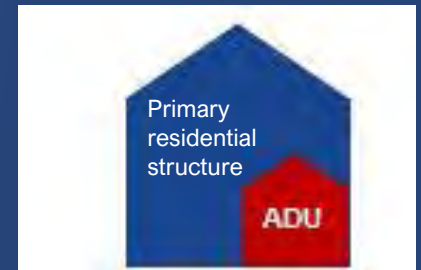
An attached or a detached residential dwelling unit, or a unit within the existing space of a primary dwelling unit, which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the proposed or existing single-family or multifamily dwelling. An accessory dwelling unit also includes the following:

- (a) An efficiency unit, as defined in section 17958.1 of the Health and Safety Code; and
- (b) A manufactured home, as defined in section 18007 of the Health and Safety Code.

**Governed by Government Code 65852.2**

# Types of Allowable ADUs (Sec. 8107-1.7.3)

- a. **Detached:** The ADU is separated from the primary residential structure.
- b. **Attached:** The ADU is attached to the primary residential structure. *(Includes the conversion of existing partially enclosed spaces attached to the primary residential structure)*
- c. **Space within a Primary Residential Structure:** The ADU is created within the space (e.g., primary bedroom, attached garage, storage area, or similar use) of an existing or proposed primary residential structure.
- d. **Space within an Existing Accessory Structure:** The ADU is created within the space of an existing accessory structure that is located on the lot of the primary residence.



# ADUs Allowed by Permit and Zone

TYPE OF ADU		ZONING CLASSIFICATION												
		RI	R2	RES	RPD	R/MU	RHD	RA	RE	RO	CPD/ CBD	OS	AE	TP
Building Permit ADUs (8107-1.7.4)	Within Space of Single-Family Dwellings and Accessory Structures (Sec. 8107-1.7.4(a))	BP	BP	BP	BP	BP	X	BP	BP	BP	BP	X	X	X
	New Detached ADU with an Existing or Proposed Single-Family Dwelling (Sec. 8107-1.7.4(b))	BP	BP	BP	BP	BP	X	BP	BP	BP	BP	X	X	X
	ADUs in Existing Multifamily Dwelling Structures (Sec. 8107-1.7.4(c))	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	X	X	X
	Detached ADUs with Existing Multifamily Dwelling (Sec. 8107-1.7.4(d))	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	X	X	X
	All other ADUs not authorized under Sec. 8107-1.7.4(a) through (d) (Sec 8107-1.7.5)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
JADUs	JADUs (can be combined with an attached or detached ADU in a single-family dwelling) (Sec. 8107-1.7.6)	BP	BP	BP	BP	X	X	BP	BP	BP	X	X	X	X
		BP - Building Permit Only			ZC - Zone Clearance			X - Not Allowed			15			



# Building Permit ADUs (Sec. 8107-1.7.4)

## Lots with Existing or Proposed Single-Family Dwellings

- a) Within Space of Single-family Dwellings and Accessory Structures
- b) New Detached ADU with an Existing or Proposed Single-family Dwelling

A JADU may be combined with either a) or b)

## Lots with Existing Multifamily Dwellings

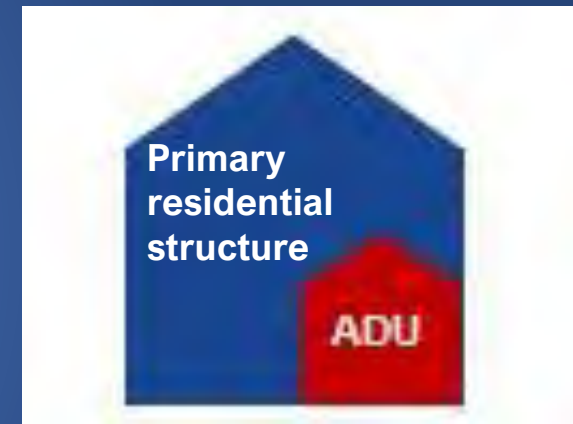
- c) ADUs in Existing Multifamily Dwelling Structures
- d) Detached ADUs with Existing Multifamily Dwelling

Applicants may combine options c) and d)

# Building Permit ADUs (Sec. 8107-1.7.4)

## a) Within Space of Single-family Dwellings and Accessory Structures (*Conversion ADUs*)

- In a residential or mixed-use zone
- ADUs are allowed within the space of:
  - An existing or proposed single-family dwelling; OR
  - An existing attached or detached accessory structure
- Can only expand an accessory structure by 150 square feet for ingress and egress purposes (for ADUs only)
- Setbacks must meet Building Code and Fire Code requirements
- No size limitation
- Can be combined with a JADU



### **Allowable Zones:**

R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD



# Building Permit ADUs (Sec. 8107-1.7.4)

## b) New Detached ADU with an Existing or Proposed Single-Family Dwelling

- In a residential zone or mixed-use zone
- The ADU is a new construction ADU (not a conversion of accessory structure)
- **Maximum 850 square feet**
- Minimum four-foot side and rear setbacks
- Maximum height of 16 feet
- Can be combined with a JADU



### **Allowable Zones:**

RI, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD

# Building Permit ADUs (Sec. 8107-1.7.4)

## c) ADUs in Existing Multifamily Dwelling Structures

- In a residential zone or mixed-use zone (including RHD)
- ADUs created by conversion of **existing non-livable space** (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages)
  - ADUs cannot be created in absence of non-livable space
  - For lots with mixed uses, only the non-livable space of the residential portion of the building may be converted to an ADU
- Minimum one ADU allowed. Maximum number of ADUs limited to up to 25% of the existing multifamily units
- May be combined with option d - Detached ADUs with multifamily dwelling structures



### **Allowable Zones:**

RI, R2, RES, RPD, R/MU, **RHD**,  
RA, RE, RO or CPD/CBD

# Building Permit ADUs (Sec. 8107-1.7.4)

## d) Detached ADUs with Multifamily Dwelling Structures

- In a residential zone or mixed-use zone (including RHD)
- Up to two detached ADUs are allowed (by conversion or new construction)
- **Maximum 850 square feet**
- Minimum four-foot side and rear setbacks
- Maximum height of 16 feet
- May be combined with option c - Interior ADUs with multifamily dwelling structures



### **Allowable Zones:**

RI, R2, RES, RPD, R/MU, **RHD**, RA, RE, RO or CPD/CBD

# ADUs Allowed by Zone Clearance (Sec. 8107-1.7.5)

## Section utilized for ADUs which do not meet the requirements for Building Permit ADUs

- Must meet Building Code and Fire Code requirements and other applicable zoning standards
- ADUs permitted on zones which allow residential dwellings (R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, CPD/CBD, OS, AE, or TP)
- Lots must have an existing or proposed single-family or multifamily dwelling
- Each lot can build one ADU (and one JADU if certain requirements are met)
- Height:
  - Maximum 16 feet in height, or
  - Maximum allowable height for primary dwelling, if ADU is setback 20 feet from all property lines

# ADUs Allowed by Zone Clearance (Sec. 8107-1.7.5)

- **Setbacks:**
  - No setback required, if the following are converted into an ADU:
    - an existing living area;
    - an accessory structure; or
    - a structure reconstructed in the same location and to the same dimensions
  - For all other ADUs - Minimum four-foot setbacks for attached or detached ADU
- **Size of attached or detached ADUs:**

Lot size	Size of ADU	
< 9,000 sq. ft.	850 sq. ft. for one bedroom or less	1,000 sq. ft. for more than one bedroom
9,000 sq. ft. < 10 acres	1,200 sq. ft.	
10 acres <	1,800 sq. ft.	

# ADUs Allowed by Zone Clearance (Sec. 8107-1.7.5)

- Interior ADUs (e.g., in OS, AE and TP zones)
  - Must be located within the space of an existing or proposed single-family dwelling (not allowed in an accessory structure)
  - Must have exterior access, cannot have internal access to the single-family dwelling
  - ADU must meet size limitations for the lot
  - Side and rear setbacks comply with applicable Building and Fire Code requirements.
- ADUs attached to an Accessory Structure:
  - Combined square footage must not exceed allowable total floor area (except for ADU above garage)
  - No internal access to the accessory structure is allowed



# ADUs Allowed by Zone Clearance (Sec. 8107-1.7.5)

- Limited exception to development standards for ADUs:
  - An ADU must be approved on a lot with qualifying zoning of **up to 850 square feet**, with four-foot side and rear setbacks, and up to 16 feet in height, even if it doesn't meet development standards related to lot coverage, floor area ratio, open space, or minimum lot size
  - ADU must meet the Building Code and Fire Code requirements



Image credit: <https://napasonomaadu.org/>



# Parking Requirements for ADUs (Sec. 8108-4.7)

No parking is required for:

- Building Permit ADUs; or
- If they meet any of the following for Zone Clearance ADUs:
  - Located within ½-mile walking distance of public transit
  - Located within an architecturally and historically significant historic district
  - Is part of the proposed or existing primary residence or an accessory structure.
  - When on-street parking permits are required but not offered to the occupant of the ADU.
  - When there is a car share vehicle located within one block of the ADU

One off-street parking space is required per ADU or per bedroom, whichever is less – may be located within the setback

Garage conversions for ADUs do not require replacement parking for the primary dwelling

# Junior Accessory Dwelling Units (Sec. 8107-1.7.6)

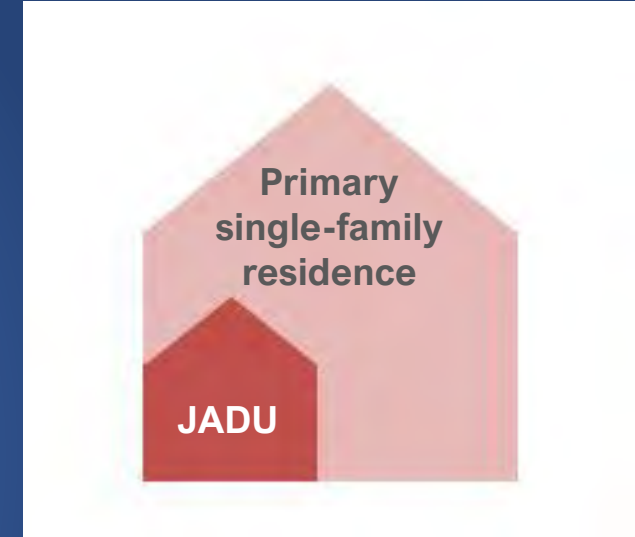
## **Dwelling Unit, Junior Accessory (JADU) –**

A dwelling unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family dwelling. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

**Governed by Government Code 65852.22**

# Junior Accessory Dwelling Units (JADUs) (Sec. 8107-1.7.6)

- One JADU is allowed per lot, located in a single-family residential zone
- Must be created within the walls of an existing or proposed single-family dwelling, including an attached garage
- Not allowed on lots with multiple single-family detached dwellings, in multifamily dwellings, or in accessory structures
- Maximum 500 square feet size, with an efficiency kitchen
- Requires a separate entrance from the single-family dwelling but may have internal connection if sharing sanitation facilities
- No parking required for the JADU itself, however, replacement parking for the single-family dwelling is required if a garage is converted to a JADU



## **Allowable Zones:**

RI, R2, RES, RPD, RA, RE, or RO

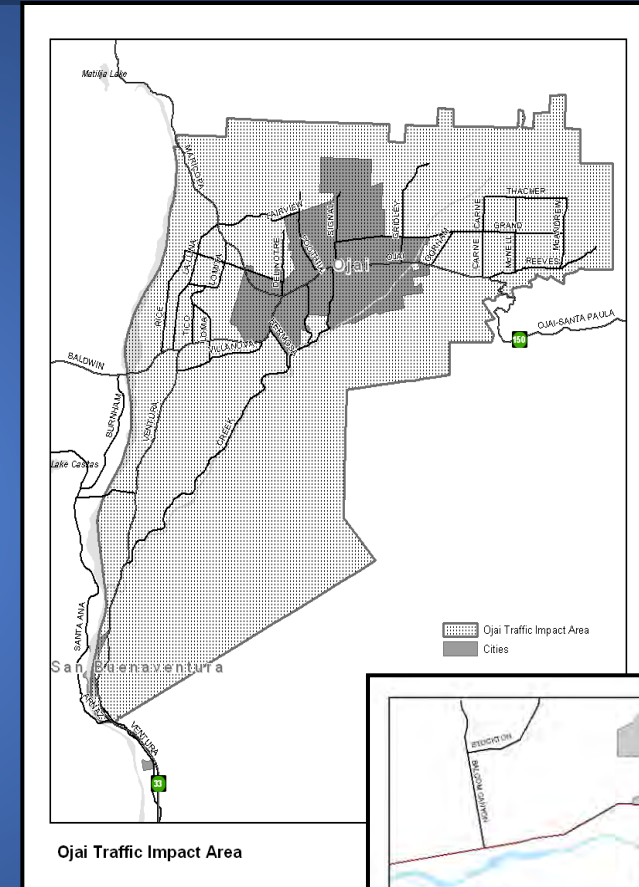
# Impact Areas

- State law allows the inclusion of Impact Areas in an ordinance based on the adequacy of water and sewer services, and impacts on traffic flow and public safety
- However, HCD requires specific and detailed findings of fact to restrict or prohibit ADUs within an impact area
  - Findings of fact are subject to a high evidentiary bar if the restriction would prohibit ADUs in neighborhoods with existing residential uses
- State law also requires that a Building Permit be issued for ADUs and JADU, if they meet the state law criteria, even if located within an impact area
  - *Note: In all instances, ADUs and JADUs must be consistent with Building Code and Fire Code requirements before issuance of Building Permit*

# Impact Areas

- Detailed findings of fact to prohibit or restrict ADUs within the impact areas could not be identified
- Therefore, the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality and Ojai Traffic impact areas were **removed** from the Proposed Ordinance

All proposed ADUs and JADUs must meet Building Code and Fire Code requirements, which would require individual applicants to satisfy the necessary water supply, fire flow, wastewater and related health and safety requirements, prior to the issuance of a building permit





# ADU and JADU Application Processing and General Requirements

(Sec. 8107-1.7.7)

- Type of Permits for ADUs and JADUs:
  - Building Permit ADUs and JADUs must be approved ministerially through a building permit
  - All other ADUs (subject to Section 8107-1.7.5) to be approved by a ministerial Zone Clearance
- Correction of nonconforming zoning conditions cannot be a condition of approval of an ADU or JADU
- Rentals/Rental Terms, Owner Occupancy and Property Transfer requirements
- Deed Restrictions for ADUs and JADUs



*Image credit: <https://napasonomaadu.org/>*



# Errata – Proposed Amendments to Articles 5 and 19

Errata memorandum (**Exhibit 9**) dated August 17, 2022 includes additional proposed amendments for consistency with State Law and Sec. 8107-1.7

- Sec. 8105-5 – Permitted Uses in Commercial and Industrial Zones
- Sec. 8119-1.2: Permitted Uses
- Sec. 8119-1.3: Zoning Standards for R/MU and RES zones
- Sec. 8119-1.4: Building Type Standards

# Summary of Proposed Amendments

- Allows four types of ADUs and JADUs with a Building Permit approval
- Establishes criteria for all other types of ADUs subject to a Zone Clearance
- Includes more permissive ADU requirements, wherever possible
- Outlines the processes and general requirements for approval of ADUs and JADUs
- Defines terms specific to ADUs and JADUs
- Updates other sections of the Non-Coastal Zoning Ordinance for consistency



# CEQA Exemption and Ordinance Amendment Findings

# CEQA Exemption

The Proposed Ordinance (**Exhibit 5**) is exempt from CEQA review pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance to implement the provisions of Government Code section 65852.2.

# NCZO Amendment Findings

Pursuant to NCZO Section 8115-0, the proposed NCZO Amendment to Articles 2, 5, 7, 8, 11, and 19 (**Exhibit 5**):

- Would not be detrimental to the public health, safety or general welfare;
- Represents good zoning practice; and
- Is consistent with the Ventura County General Plan



Public Outreach and Public Comments Received




# Public Outreach/Information

- Three public information web sites created
- Interested parties sign-up list
- Legal Notice published in VC Star and Vida
- ADU Homeowner Tools guidebook in progress

<https://vcrma.org/en/accessory-dwelling-unit-ordinance-update>  
<https://vcrma.org/en/accessory-dwelling-unit-permits>  
<https://vcrma.org/en/accessory-dwellings-farmworker-dwellings>

## Accessory Dwelling Unit Ordinance Update



*Accessory Dwelling Unit Ordinance Update*

In 2018, the Ventura County Board of Supervisors and California Coastal Commission approved amendments to both the Non-Coastal and Coastal Zoning Ordinances for Accessory Dwelling Units (ADU) in unincorporated Ventura County. Accessory Dwelling Unit replaced "Second Dwelling Unit" within the ordinances in order to apply a broader range of development standards in both zoning ordinances. The term was redefined as part of a larger comprehensive Accessory Dwelling Unit update to both zoning ordinances to be consistent with state law.

On January 1, 2020, and January 1, 2021, new state regulations for Accessory Dwelling Units went into effect. Draft amendments to the Accessory Dwelling Unit development standards for both Non-Coastal and Coastal Zoning Ordinances are being prepared to comply with the state regulations. Standards associated with parking, Junior ADUs, owner occupancy requirements, and others will be amended to reflect the required changes made at the state level.

More information about the recent state-wide changes to Accessory Dwelling Units can be found on the California Department of Housing and Community Development's (HCD) webpage.

Click here to be notified of Accessory Dwelling Unit updates and notice of future public hearings!

### Upcoming Meetings

**Planning Commission – August 18, 2022**

The County of Ventura's Planning Division is presenting county-initiated amendments to Articles 2/5, 7, 8, and 11 of the Ventura County Non-Coastal Zoning Ordinance pertaining to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs); approval of the related CEQA determination pursuant to Section 21080.17; and adoption of a Resolution regarding an update to the regulations and development standards for ADUs and to add regulations and development standards for JADUs, consistent with state law including Government Code sections 65052.2 and 65052.22 (PL20-0023) to the Ventura County Planning Commission documents for this hearing item can be accessed on the County of Ventura's website at [this link](#). The same link.

Please note that simultaneous interpretation in Spanish will be available for this item at the hearing. If you wish to attend on the day of the hearing, please see the directions provided at [this link](#).

**Board of Supervisors – Anticipated fall 2022**

A Board of Supervisors meeting will be scheduled to consider the recommendation from the Planning Commission, 2022. For updates regarding upcoming hearings or project updates, please sign up on the ADU Update Subscription.

### What if I am ready now to permit my accessory dwelling unit?



## REGULATIONS FOR ADUS AND JADUS

\* Note: Zoning designations and their abbreviations used below refer to the following zones. See the [Non-Coastal Zoning Ordinance](#) for all other requirements regarding the zone.

Single-Family Residential (R1)	Residential Mixed Use (R/MU)
Two-Family Residential (R2)	Residential High Density (RHD)
Residential (RES)	Rural Agricultural (RA)
Residential Planned Development (RPD)	Rural Exclusive (RE)
Single-Family Estate (RO)	

### A. ADUs and JADUs allowed with a Building Permit

The new state regulations allow for the development of an ADU or JADU to apply directly for a building permit for construction, if it meets the criteria listed below.

#### 1. ADUs Within Space of Single-Family Dwellings and Accessory Structures

One ADU and one JADU per lot within a portion of a proposed or existing single-family dwelling with exterior access or created by converting existing space of a residential accessory structure. Setbacks must comply with building and fire code, even if existing setbacks are legal non-conforming.



(ADUs Within Space of Single-Family Dwellings and Accessory Structures)

Zones allowed: R1, R2, RES, RPD, R/MU, RA, RE, RO Zones, or Commercial Planned Development within a Community Business District overlay zone (CPD/CBD).

#### 2. New Detached ADU with an Existing or Proposed Single-Family Dwelling



(New Detached ADU with an Existing or Proposed Single-Family Dwelling)

One detached new construction ADU is allowed on a lot with a proposed or existing single-family dwelling and may be combined with a JADU. The new detached ADU:

- Can have a maximum size of 800 square feet,
- Must have minimum 4-foot side and rear setbacks, and
- Be no taller than 16 feet above grade.

Zones allowed: R1, R2, RES, RPD, R/MU, RA, RE, RO Zones, or Commercial Planned Development within a Community Business District overlay zone (CPD/CBD).

## Standardized Floorplan Options

Three layouts are available to use for 1, 2, and 3-bedroom units! Click on the image for each option below to see the floor plan (with a furniture layout) and an illustrative rendering of that plan. Construction drawings for each option are available below the image.

The illustrative rendering directly represents the construction drawings reviewed and pre-approved by the Building and Safety Division. While you cannot change the size or location of features included in the plans (such as location of doors, air vents, plumbing connections, etc.), you can personalize the look of your unit by changing the appearance of some features! This includes paint, siding and other façade materials, trims and frames for doors and windows, outdoor light fixtures etc. Please note that some of the changes in features may require approval from the Building and Safety Division.

You can also add a patio cover to any of these standardized plans as long as it meets the requirements in Building and Safety Handout B17.

Click on the images below for more details on each option.

1 Bedroom | 700 sq. ft.

2 Bedroom | 900 sq. ft.

3 Bedroom | 1,188 sq. ft.



700 sq. ft. Construction drawings



900 sq. ft. Construction drawings



1,188 sq. ft. Construction drawings

family dwelling (ports, storage, etc.). The or the number of ADUs units, whichever is greater. in existing multifamily options between 3 and 4



(ADUs in Existing Multifamily Dwelling Structures)

Zones, or Commercial overlay zone (CPD/CBD).



## Recommended Actions

# Recommended Actions

1. **ADOPT** the recommended actions stated in the Planning Commission staff report as modified as follows: Incorporate the applicable revisions set forth in the Planning Division's August 17, 2022, errata memorandum to the Planning Commission (**Exhibit 9**);
2. **CERTIFY** that your Commission has reviewed and considered this staff report and all exhibits hereto, and has considered all comments received during the public comment and hearing process;
3. **ADOPT** a Resolution (**Exhibit 3**) recommending that the Board of Supervisors take the following actions regarding the Proposed Ordinance:
  - a. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Planning Commission staff report and all exhibits thereto and has considered all comments received during the public comment and hearing process; and

# Recommended Actions

- b. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission staff report, that the adoption of the Proposed Ordinance amending Articles 2, 5, 7, 8, 11, and 19 of the Non-Coastal Zoning Ordinance to amend regulations for accessory dwelling units and to add regulations for junior accessory dwelling units consistent with Government Code Sections 65852.2 and 65852.22 (**Exhibit 5**) is exempt from CEQA review pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Government Code sections 65852.2; and
- c. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D of the Planning Commission staff report, that the Proposed Ordinance amending Articles 2, 5, 7, 8, 11, and 19 of the Non-Coastal Zoning Ordinance (**Exhibit 5**) is consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and is in the interest of public health, safety and general welfare; and

# Recommended Actions

- d. **ADOPT** the Proposed Ordinance amending Articles 2, 5, 7, 8, 11, and 19 of the Non-Coastal Zoning Ordinance (**Exhibit 4**); and
- e. **SPECIFY** the Clerk of the Board of Supervisors at 800 S.Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

The Board of Supervisors hearing for adoption of the Proposed Ordinance is tentatively scheduled for **October 4, 2022**





Questions?



# Planning Commission Public Comments (Zoom)

## Comentarios Públicos de la Comisión de Planificación (Zoom)

**CASE NUMBER PL20-0023 -**  
**Agenda Item # 7B**

**FOR PARTICIPANTS ON ZOOM**

[https://ventura-org-rma.zoom.us/webinar/register/WN\\_PXIkPIpVRH2EyHBfkbdcaA](https://ventura-org-rma.zoom.us/webinar/register/WN_PXIkPIpVRH2EyHBfkbdcaA)

Members of the public who wish to speak, please press the raise hand button on Zoom now and you will be connected at the appropriate time.

If participating by telephone, please press \* and then 9 to be queued. This is for agenda item # 7B

**NÚMERO DE CASO PL20-0023 -**  
**Punto del Orden del Día # 7B**

**PARA PARTICIPANTES EN ZOOM**

[https://ventura-org-rma.zoom.us/webinar/register/WN\\_PXIkPIpVRH2EyHBfkbdcaA](https://ventura-org-rma.zoom.us/webinar/register/WN_PXIkPIpVRH2EyHBfkbdcaA)

Miembros del público que deseen hablar, presionen el botón de levantar la mano en Zoom ahora y se conectarán en el momento apropiado.

Si participa por teléfono, presione \* y luego 9 para esperar su turno en línea. Esto es para el tema de la agenda # 7B

## EXHIBIT 2



# Planning Commission Resolution

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [www.vcrma.org/divisions/planning](http://www.vcrma.org/divisions/planning)

## **RESOLUTION 22-23 FOR PL20-0023 REGARDING PROPOSED COUNTY-INITIATED ORDINANCE AMENDING THE VENTURA COUNTY NON-COASTAL ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS; AND THE RELATED FINDING THAT PROJECT IS EXEMPT FROM CEQA PURSUANT TO SECTION 21080.17 OF THE PUBLIC RESOURCES CODE**

**WHEREAS**, the Ventura County Planning Commission (Planning Commission) held a legally noticed public hearing on August 18, 2022, to consider a County-initiated ordinance amending Articles 2, 5, 7, 8, 11, and 19 of the Ventura County Non-Coastal Zoning Ordinance to amend regulations for accessory dwelling units (ADUs), and to add regulations for junior accessory dwelling units (JADUs) consistent with Government Code Sections 65852.2 and 65852.22 (Proposed Ordinance); and to consider a finding that the project is exempt from the California Environmental Quality Act pursuant to Section 21080.17 of the Public Resources Code;

**WHEREAS**, the California housing crisis continues to affect unincorporated communities across all individual and family income levels, and proposing zoning standards which promote the development of ADUs and JADUs helps address this local housing need. The County's Housing Element identifies ADUs as an integral housing type for meeting the County's RHNA allocation for low-income housing units. Based on the last RHNA cycle (from 2013-2021) which identified ADUs as the second largest housing type to be developed (after single-family residences) due to the changing ADU laws, the housing inventory in the recently adopted 2021-2029 Housing Element assumes that approximately 44 percent of the overall RHNA for the 6<sup>th</sup> cycle will be addressed by the development of ADUs in the unincorporated county. Of this, almost half of all low-income units expected to be developed in the next eight years include ADUs. Therefore, ADUs are anticipated to be utilized as the most affordable housing option in the unincorporated county.

**WHEREAS**, the Planning Commission considered all oral and written testimony from County staff and the public on this matter;

**WHEREAS**, after the close of the public hearing, Planning Commissioner King, District 4, made a motion to approve staff's recommended actions, seconded by Planning Commission Chair McPhail, District 3;

**WHEREAS**, the motion carried 5-0; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that the following actions be taken by the Ventura County Board of Supervisors with respect to the Proposed Ordinance:

1. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Planning Commission staff report and all exhibits thereto and has considered all comments received during the public comment and hearing process; and
2. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission staff report, that the adoption of the Proposed Ordinance amending Articles, 2, 5, 7, 8, 11, and 19 of the Non-Coastal Zoning Ordinance to amend regulations for accessory dwelling units, and to add regulations for junior accessory dwelling units consistent with Government Code Sections 65852.2 and 65852.22 (Exhibit 5) is exempt from CEQA review pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Government Code sections 65852.2; and
3. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D of the Planning Commission staff report, that the Proposed Ordinance amending Articles 2, 5, 7, 8, 11, and 19 of the Non-Coastal Zoning Ordinance (Exhibit 5) is consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and is in the interest of public health, safety and general welfare; and
4. **ADOPT** the Proposed Ordinance amending Articles 2, 5, 7, 8, 11, and 19 of the Non-Coastal Zoning Ordinance (Exhibit 5), as modified to incorporate the applicable revisions set forth in the Planning Division's August 17, 2022 errata memorandum to the Planning Commission (Exhibit 9); and
5. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission's reasons for the above-stated recommendations to the Board, and the relationship between the Proposed Ordinance and the General Plan, are specified in Sections A, B, and C of the Planning Commission staff report and exhibits thereto. As a general summary, the Planning Commission finds that the Proposed Ordinance helps ensure that the County is in compliance with applicable state laws, including Government Code sections 65852.2 and 65852.22, by having a ministerial permitting process for ADUs and JADUs consistent with state and local requirements. The Proposed Ordinance furthers the intent of the County's Housing Element for its 6th RHNA cycle (from 2021-2029) by providing a regulatory framework for the development of ADUs and JADUs, the development of which has been classified as an affordable housing option for the

community in the unincorporated county and facilitates the development of ADUs and JADUs consistent with state law.

The Proposed Ordinance also represents good zoning practice as it includes zoning for ADUs and JADUs in areas zoned to allow single-family and/or multi-family dwelling residential uses, promotes the development of ADUs and JADUs while ensuring such housing meets applicable objective development standards consistent with state regulations and the underlying zoning districts. Furthermore, the Proposed Ordinance facilitates the development of ADUs and JADUs in compliance with the most recent ADU laws, and wherever possible, includes some standards that are more permissive (i.e., less restrictive) than state law, while ensuring that these amendments do not conflict with existing General Plan or Area Plan goals or policies and are, therefore, deemed consistent with the General Plan.

This is to certify that the foregoing is a true and correct copy of the Resolution reflecting the actions taken by the Ventura County Planning Commission at a public hearing regarding the above-described matter on August 18, 2022.



Dave Ward, AICP, Secretary to the  
Ventura County Planning Commission

# EXHIBIT 3

Legislative version of the Proposed Ordinance, with staff explanations, and indicating the revisions made since the August 18, 2022, Planning Commission Hearing

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Proposed NCZO Amendments for Accessory Dwelling Units and Junior Accessory Dwelling Units  
(PL20-0023)

**Revisions to the current ADU regulations are indicated in this exhibit in the following manner:**

Deleted text – ~~red-strikeout~~

Added text – black underline

Text deleted from the proposed ordinance after the August 18, 2022 Planning Commission hearing – ~~blue-strikeout~~

Text added to the proposed ordinance after the August 18, 2022 Planning Commission hearing – blue underline

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AMENDING DIVISION 8, CHAPTER 1, ARTICLES 2, 5, 7, 8, 11, AND 19 OF THE VENTURA COUNTY ORDINANCE CODE, NON-COASTAL ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

The Board of Supervisors of the County of Ventura ("County") ordains as follows:

Section 1

ARTICLE 2:  
DEFINITIONS

---

**Article 2, Section 8102-0 – Application of Definitions**, of the Ventura County Ordinance Code is hereby amended by revising the following existing definition to read as follows:

Dwelling Unit, Accessory (ADU) - ~~A dwelling unit that is accessory to a principal dwelling.~~  
An attached or a detached residential *dwelling* unit, or a unit within the existing space of a ~~principal~~ *primary dwelling* unit, which provides complete independent living facilities for one or more persons, ~~with no means of internal access to the principal dwelling and is located on a lot with a proposed or existing primary dwelling.~~ It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same *lot* as the proposed or existing single-family or multifamily principal dwelling. An accessory dwelling unit also includes the following:

- (a) An efficiency unit, as defined in ~~S~~section 17958.1 of the Health and Safety Code; and
- (b) A manufactured home, as defined in ~~S~~section 18007 of the Health and Safety Code.

*[Staff Explanation: Proposed revision to the definition for Accessory Dwelling Unit, consistent with the definition in Government Code section 65852.2(j)(1).]*

**Article 2, Section 8102-0 – Application of Definitions**, of the Ventura County Ordinance Code is hereby amended by adding the following definition:

Dwelling Unit, Junior Accessory (JADU) - A dwelling unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family dwelling. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

*[Staff Explanation: Proposed addition of a new definition for Junior Accessory Dwelling Unit, consistent with the definition in Government Code section 65852.22(h)(1).]*

## Section 2

# ARTICLE 5:

# USES AND STRUCTURES BY ZONE

---

**Article 5, Section 8105-4 - Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones**, of the Ventura County Ordinance Code, is hereby amended to read as follows with respect to the below-stated land uses relating to Accessory Dwelling Units and Junior Accessory Dwelling Units:

### Sec. 8105-4 – Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<b>DWELLINGS (43)</b>											
Dwellings, Single-Family * (Mobilehomes - See Sec. 8107-1.3)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD		ZC	
Mobilehome, Continuing Nonconforming (15)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	
Dwellings, Two-Family, Or Two Single-Family Dwellings							ZC	PD			
Dwellings, Multi-Family (42)(43)(44)								PD	ZC		
<u>Accessory Dwellings</u>											
<u>Accessory Dwelling Unit (ADU)</u>	Pursuant to Sec. 8107-1.7										
<u>Junior Accessory Dwelling Unit (JADU)</u>	Pursuant to Sec. 8107-1.7										
<i>Employee Housing (55)</i>	See Sec. 8107-26										
<i>Agricultural Employee Housing</i>											
Maximum of 4 dwelling units	ZC	ZC	ZC							ZC	
More than 4 dwelling units or not meeting standards established by Sec. 8107-26.3	PD	PD	PD							PD	
Other Employee Housing (6 or fewer employees)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD		ZC	
<i>Farmworker Housing Complex (55)</i>	PD	PD	PD								
Farmworker Group Quarters (55)	PD	PD	PD								

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
Dwellings, Accessory Structures To											
Buildings For Human Habitation: (3, 19)											
temporary housing during construction/prior to reconstruction* (19, 42, 50)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
<del>accessory dwelling unit* (2, 11, 15, 33, 47)</del>	Pursuant to Article 7 Sec. 8107-1.7										

\*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.

*[Staff Explanation: Proposed removal of “accessory dwelling unit” from the subheading of “Dwellings, Accessory Structures To”. Proposed addition of a new sub-heading of “Accessory Dwellings” within the use category of “Dwellings” to include the uses of “Accessory Dwelling Unit (ADU)” and “Junior Accessory Dwelling Unit (JADU)”, both of which will be subject to the provisions of Section 8107-1.7, and consistent with the requirements for ADUs and JADUs per Government Code sections 65852.2 and 65852.22 respectively.]*

**Article 5, Section 8105-5 - Permitted Uses in Commercial and Industrial Zones**, of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated land uses relating to Accessory Dwelling Units:

### Sec. 8105-5 - Permitted Uses in Commercial and Industrial Zones

	CO	C1	CPD	M1	M2	M3
<b>MIXED USE DEVELOPMENT WITHIN THE CBD OVERLAY ZONE PER SECTION 8109-4.5.5 (37)</b>			PD			
<u>Accessory Dwelling Unit (ADU) within the CBD overlay zone*</u>			Pursuant to Sec. 8107-1.7			

\*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.

*[Staff Explanation: Proposed addition of “Accessory Dwelling Unit” as an allowed land use on parcels zoned Commercial Planned Development within the Community Business District overlay zone (CPD/CBD) pursuant to Section 8107-1.7.]*

<b>E</b> = Exempt	<b>ZCW</b> = Zoning Clearance with signed waivers	<b>Not Allowed</b>	Exempt	Approved by Planning Director or Designee	Approved by Planning Commission	Approved by Board of Supervisors
<b>ZC</b> = Zoning Clearance unless specifically exempted	<b>PD</b> = Planned Development Permit <b>CUP</b> = Conditional Use Permit					

Section 3  
**ARTICLE 7:**  
**STANDARDS FOR SPECIFIC USES**

---

**Article 7, Section 8107-1.7 – Accessory Dwelling Units**, of the Ventura County Ordinance Code, is hereby repealed and reenacted to read as follows:

**Sec. 8107-1.7 – Accessory Dwelling Units**

~~An accessory dwelling unit shall be allowed on a lot that is zoned for single-family or multifamily use and proposes or contains an existing single-family residence and no other dwellings, other than an authorized farmworker or animal caretaker dwelling unit subject to Sec. 8105-4. Accessory dwelling units shall comply with all provisions of this Section (Sec. 8107-1.7) and the underlying zoning district, as well as County Building Code and Fire Code requirements that apply to single-family dwellings. If any provision of this Article or the underlying zoning district standards conflict with California Government Code Section 65852.2, the latter shall govern.~~

**Sec. 8107-1.7.1 Standards for an Accessory Dwelling Unit Created within the Existing Space of a Principal Dwelling Unit or Accessory Structure**

- ~~a. An application for a building permit for an accessory dwelling unit created entirely within the existing space of a permitted principal dwelling unit or within the existing space of a permitted accessory structure shall be approved ministerially in single-family zoned lots without respect to the standards in Sec. 8107-1.7.2 if it meets all of the following:~~
- ~~(1) The lot is zoned as one of the following: Single-Family Residential (R1), Two-Family Residential (R2), Residential Planned Development (RPD), Residential (RES), Rural Agricultural (RA), Single-Family Estate (RO), or Rural Exclusive (RE);~~
  - ~~(2) The accessory dwelling unit has independent exterior access;~~
  - ~~(3) The rear and side setbacks are deemed sufficient for fire safety as required by the Building Code; and~~
  - ~~(4) The creation of the accessory dwelling unit does not involve the addition of floor area to the existing structure.~~
- ~~b. An application for a zoning clearance for an accessory dwelling unit created entirely within the existing space of a permitted principal dwelling unit shall be approved ministerially in open space and agriculturally zoned lots if it meets all of the following:~~
- ~~(1) The lot is zoned Open Space (OS) or Agricultural Exclusive (AE);~~
  - ~~(2) The accessory dwelling unit has independent exterior access;~~
  - ~~(3) The rear and side setbacks are deemed sufficient for fire safety as required by the Building Code;~~

- ~~(4) The creation of the accessory dwelling unit does not involve the addition of floor area to the existing structure; and~~
- ~~(5) The lot is located outside the boundaries of the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area shown in Map 1.~~

~~Accessory dwelling units that meet the provisions of Sec. 8107-1.7.1 (a) or (b) above shall comply with the following standards:~~

- ~~c. No parking requirements shall be imposed.~~
- ~~d. When a garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement parking spaces for the principal dwelling unit may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.~~
- ~~e. No more than one accessory dwelling unit is allowed on each lot.~~

**~~Sec. 8107-1.7.2 Standards for All Other Accessory Dwelling Units~~**

~~An accessory dwelling unit that does not meet the provisions of Sec. 8107-1.7.1 shall require a zoning clearance and be required to comply with the following standards:~~

**~~a. Non-Impact Areas~~**

~~The following size requirements for accessory dwelling units apply to lots located outside of the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality and the Ojai Traffic Impact Areas shown on Map 1 and Map 2:~~

- ~~(1) The minimum lot area shall be established by Planning Area, as listed below:~~

<del>Planning Area</del>	<del>Minimum Lot Area</del>
<del>Countywide, except the communities listed below</del>	<del>9,000 sq. ft.</del>
<del>El Rio/Del Norte Area Plan and North Ventura Area Plan</del>	<del>6,000 sq. ft.</del>
<del>Saticoy Area Plan<sup>4</sup></del>	<del>8,000 sq. ft.</del>
<del>Oak Park Area Plan and Thousand Oaks Area Plan</del>	<del>10,000 sq. ft.</del>
<del>Existing Community of Somis</del>	<del>10,000 sq. ft.</del>

<sup>4</sup>~~Refer to Sec.8119-1.3.2, Sec.8119-1.3.3, and Sec. 8119-1.4.10 in the Old Town Saticoy Development Code for additional development standards for accessory dwelling units.~~

- ~~(2) The total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing gross floor area of the principal dwelling unit or the allowed maximum accessory dwelling unit size, whichever is less. Lots that meet the minimum lot area, as shown in the table above, are allowed an accessory dwelling unit up to a gross floor area of 1,200 square feet with a~~

~~maximum of 3 bedrooms. Lots that are 10 acres or more in area are allowed an accessory dwelling unit up to a gross floor area of 1,800 square feet with a maximum of 4 bedrooms.~~

- ~~(3) The total floor area for a detached accessory dwelling unit shall not exceed a gross floor area of 1,200 square feet and a maximum of 3 bedrooms, except that lots that are 10 acres or more in area are allowed an accessory dwelling unit with up to 4 bedrooms and a gross floor area of 1,800 square feet.~~

**~~b. Impact Areas~~**

~~Lots located in the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area as shown on Map 1 below, or in the Ojai Traffic Impact Area as shown on Map 2 below, shall not exceed the maximum number of bedrooms or bedroom equivalents and the maximum allowable unit size, and shall meet minimum lot area standards listed below. If a lot is partially within the traffic impact area, but the location of the proposed accessory dwelling unit is outside of the traffic impact area, then the lot shall be considered entirely outside the traffic impact area. If a lot is partially within the groundwater quality impact area, but the septic system servicing the proposed accessory dwelling unit is, or is proposed to be, located outside the impact area, then the lot shall be considered entirely outside the impact area. Lots located within the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area (Map 1) with an established sewer connection are not subject to the limitations in the table below, and shall meet the sizing requirements for minimum lot area and maximum accessory dwelling unit size in Sec. 8107-1.7.2(a).~~

<b>Impact Area</b>	<b>Maximum Number of Bedrooms<sup>1</sup>/Bedroom Equivalents<sup>2</sup>, Maximum Unit Size<sup>3</sup> of Accessory Dwelling Units, and Minimum Lot Area</b>
<b>Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area (See Map 1)</b>	<p><del>One bedroom equivalent/1,200 sq. ft. total gross floor area on lots 3.90 acres or more in area.</del></p> <p><del>Two bedroom equivalent/1,200 sq. ft. total gross floor area on lots 4.80 acres or more in area.</del></p> <p><del>Three bedroom equivalent/1,200 sq. ft. total gross floor area on lots 5.70 acres or more in area.</del></p>
<b>Ojai Traffic Impact Area (See Map 2)</b>	<p><del>Two bedrooms/900 sq. ft. gross floor area on lots of 20,000 sq. ft. or more in area.</del></p> <p><del>Three bedrooms/1,200 sq. ft. gross floor area on lots of one acre or more in area.</del></p>

<sup>1</sup>~~The maximum number of bedrooms in this table applies only to the Ojai Traffic Impact Area.~~

<sup>2</sup>~~The maximum number of bedroom equivalents, which includes bedrooms, applies only to the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area.~~

<sup>3</sup>~~The total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing gross floor area of the principal dwelling unit or the allowed maximum accessory dwelling unit size, whichever is less.~~

**~~c. Boundaries of Impact Areas~~**



~~For the purposes of this Sec. 8107-1.7.2 (a) and (b), the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area shall mean those portions of the unincorporated area of Ventura County depicted on Map 1 below, and the Ojai Traffic Impact Area shall mean those portions of the unincorporated area of Ventura County depicted on Map 2, below. Both maps are accessible in the GIS Department of the Resource Management Agency.~~

~~d. Calculation of Gross Floor Area~~

~~For the limited purpose of Sec. 8107-1.7.2(a) and (b), the computation of gross floor area shall not include any attached patio cover, deck, garage or any bay window that does not extend to the floor or protrude more than 18 inches from the adjoining exterior wall. Patio covers, decks, garages or any bay windows will be counted in the maximum allowable square footage allowed for “accessory structures to dwellings” in Sec. 8105-4.~~

~~e. Parking Exemptions~~

~~Parking requirements for accessory dwelling units listed in Sec. 8108-4.7 shall not apply if any of the following apply:~~

- ~~(1) The accessory dwelling unit is located within one-half mile of public transit; or~~
- ~~(2) The accessory dwelling unit is located within an historic district; or~~
- ~~(3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or~~
- ~~(4) When there is a car share vehicle located within one block of the accessory dwelling unit; or~~
- ~~(5) The accessory dwelling unit is within the existing or proposed space of a permitted principal dwelling unit or within the existing space of a permitted accessory structure.~~

~~f. Parking Location~~

~~Parking for an accessory dwelling unit may be provided as tandem parking on a driveway. Additionally, the parking space for an accessory dwelling unit may encroach into a required front and/or interior side setback, provided that all of the following conditions are met:~~

- ~~(1) The long dimension of the space is parallel to the centerline of the nearest driveway on the lot; and;~~
- ~~(2) On interior lots, a minimum three-foot wide area adjacent to one side lot line remains unobstructed by vehicles.~~

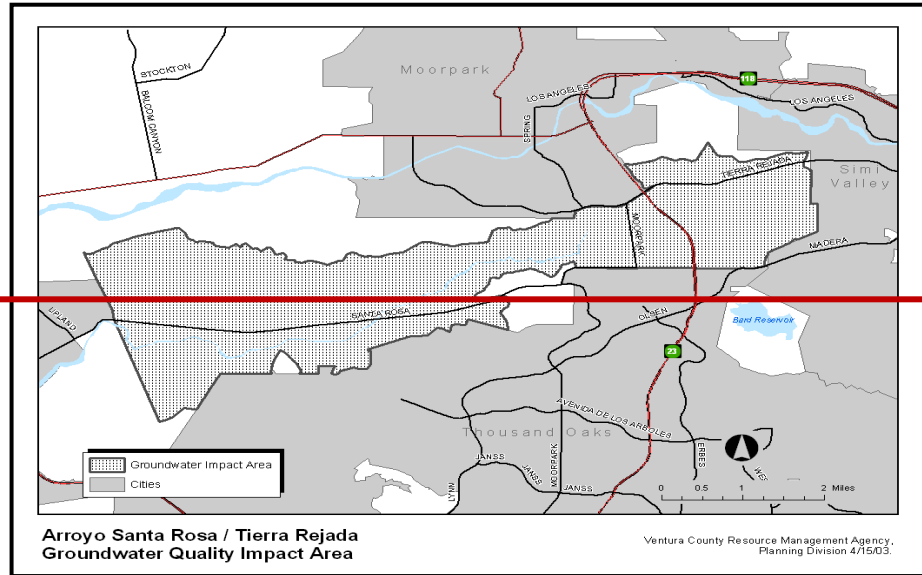
~~g. Parking Location in Fire Hazard Severity Zones~~

~~Notwithstanding Sec. 8107-1.7.2(f), above, parking for accessory dwelling units located within Ventura County Fire Hazard Severity Zones, identified on either the Fire Hazard Severity Zones in State Responsibility Area map or the Very High Fire Hazard Severity Zones in Local Responsibility Area map from CAL FIRE, may not be located within setback areas or as tandem parking, unless the Ventura County Fire Protection District Fire Marshal or his/her designee determines that~~

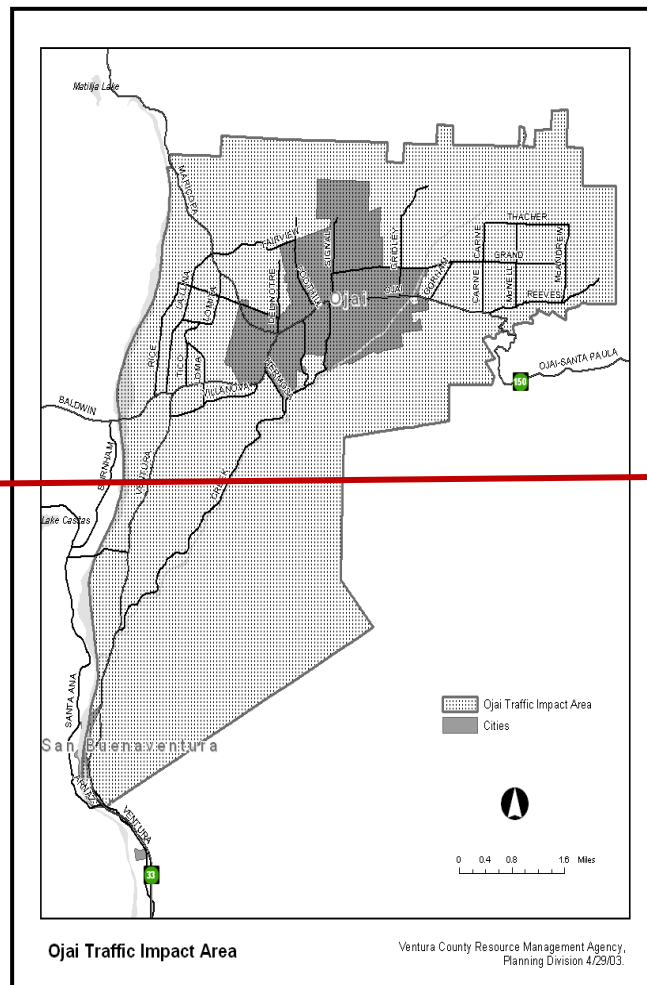
~~the proposed location of the accessory dwelling unit is within an area without known barriers to emergency service vehicle access. The Ventura County Fire Hazard Severity Zone maps are accessible in the GIS Department of the Resource Management Agency and at the California Department of Forestry and Fire Protection.~~

- ~~h. When a garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement parking spaces for the principal dwelling unit may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.~~
- ~~i. An existing principal dwelling unit that meets the development standards for an accessory dwelling unit may be designated the accessory dwelling unit and a separate principal dwelling unit may be permitted on the site. In such cases both the new principal dwelling unit and the accessory dwelling unit shall meet all provisions of this Chapter.~~
- ~~j. A setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.~~
- ~~k. No setback is required for an existing garage that is converted to an accessory dwelling unit.~~
- ~~l. Mobilehomes and manufactured homes may be used as accessory dwelling units, in accordance with Sec. 8107-1.3.~~
- ~~m. With the exception of deviations granted in accordance with Sec. 8107-37.3 and Sec. 8111-9, or as required by state law, no variance to the requirements of this Chapter may be approved for accessory dwelling units.~~
- ~~n. No more than one accessory dwelling unit is allowed on each lot.~~
- ~~o. No other accessory structure shall be attached to a detached accessory dwelling unit, unless the combined total area of the accessory structure and accessory dwelling unit does not exceed the allowable size of the accessory dwelling unit. This provision does not apply to accessory dwelling units built above a garage.~~
- ~~p. Accessory dwelling units shall not be rented on a transient occupancy basis (rental terms of less than 30 consecutive days).~~
- ~~q. An accessory dwelling unit will not be allowed in areas where adequate water supply and sewage disposal cannot be demonstrated. If the existing single-family detached residence is served by a public sewer system or a public water system, the accessory dwelling unit must be served by the same system or systems.~~
- ~~r. At the time of application, the owner of the property shall reside in the accessory dwelling unit or the primary dwelling unit. If the application is for construction of both the accessory dwelling unit and the primary dwelling unit, the owner shall agree to occupy either the accessory dwelling unit or the primary dwelling unit after construction.~~

**MAP-1**



**MAP-2**



## **8107-1.7 – Accessory Dwelling Units and Junior Accessory Dwelling Units**

### **Sec. 8107-1.7.1 – Purpose**

The purpose of this Section 8107-1.7 is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Government Code sections 65852.2 and 65852.22, as may be amended. Pursuant to Government Code section 65852.2, an ADU permitted through this Section 8107-1.7 does not exceed the allowable density for the lot upon which the ADU is located; and an ADU is a residential use that shall be deemed consistent with the existing general plan and zoning designation for the lot. If any provision of this Section 8107-1.7 or the underlying zoning district standards conflicts with state law, the latter shall govern.

### **Sec. 8107-1.7.2 – Definitions**

As used in this Section 8107-1.7, the following definitions shall apply:

Accessory Structure - A structure that is accessory and incidental to a dwelling located on the same lot as defined in Government Code section 65852.2(j)(2), as may be amended.

Existing - Space, units, or structures that are legally permitted or legal non-conforming.

Nonconforming Zoning Condition - A physical improvement on a property that does not conform with current zoning standards as defined in Government Code section 65852.2(j)(6), as may be amended.

Passageway - A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit as defined in Government Code section 65852.2(j)(7), as may be amended.

Proposed Dwelling - A dwelling that is the subject of a permit application and that meets the requirements for permitting as defined in Government Code section 65852.2(j)(8), as may be amended.

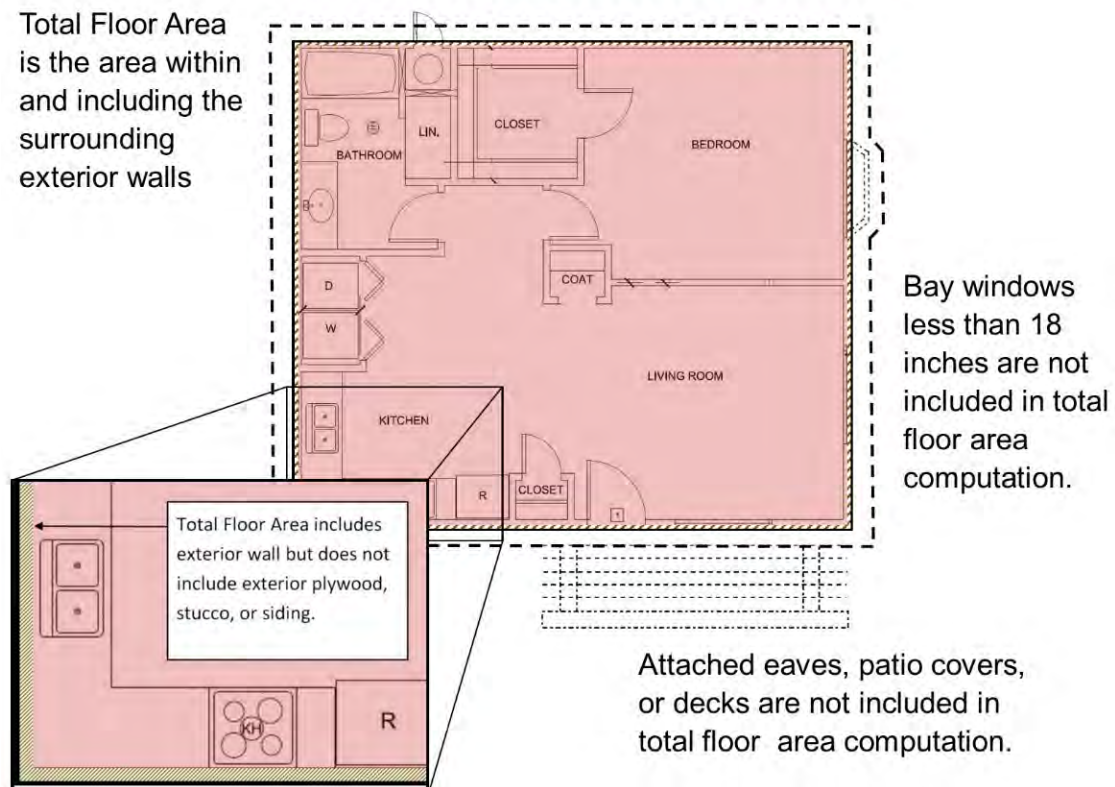
Public Transit - A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public as defined in Government Code section 65852.2(j)(9), as may be amended.

Tandem Parking - A parking configuration where two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another as defined in Government Code section 65852.2(j)(10), as may be amended.

Total Floor Area - Shall have the same definition as “building area” as set forth in Title 24, Part 2, Chapter 2 of the California Building Code, as may be amended, which states: “The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.” However, the computation of total floor area for ADUs shall not include, ~~but is not limited to the following: a garage that is below the ADU when there is no internal access from the garage to the~~

ADU; or an unenclosed area or feature such as any eave or architectural feature; attached covered patio or deck; an open deck constructed at or below the level of the first floor; a balcony or the space below a cantilevered balcony; the space below an open and unenclosed stairway; a garage that is below the ADU when there is no internal access from the garage to the ADU; a covered car port; a bay window that does not extend to the floor or protrude more than 18 inches from the adjoining exterior wall, or similar, as illustrated in Figure 1.

**Figure 1**



### **Sec. 8107-1.7.3 – Types of Accessory Dwelling Units**

An ADU may be created in the following forms:

- a. Detached: The ADU is separated from the primary residential structure.
- b. Attached: The ADU is attached to the primary residential structure. An attached ADU may include the conversion of existing partially enclosed spaces (such as a covered patio) to an ADU that is attached to the primary residential structure.
- c. Space within Primary Residential Structure: The ADU is created within the space (e.g., primary bedroom, attached garage, storage area, or similar use) of an existing or proposed primary residential structure.

- d. Space within an Existing Accessory Structure: The ADU is created within the space of an existing accessory structure that is located on the lot of the primary residence.

**Sec. 8107-1.7.4 – ADUs and JADUs Allowed by Building Permit**

A complete application for a building permit shall be ministerially approved to allow an ADU and/or JADU that meets applicable Building Code and Fire Code requirements and the standards set forth in Sections 8107-1.7.4(a), (b), (c) or (d).

- a. **Within Space of Single-Family Dwellings and Accessory Structures: One ADU and one JADU per lot is allowed if all the following standards are met:**

(1) The subject lot is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.

(2) Location of ADU and/or JADU:

(a) The ADU or JADU is created within a portion of the existing or proposed space of a single-family dwelling and has exterior access from the proposed or existing single-family dwelling; or

(b) The ADU is created within the existing space of an accessory structure, such as the conversion of garages and other accessory structures, either attached or detached from the primary dwelling. An existing accessory structure may include an expansion of not more than 150 square feet beyond its same physical dimensions, but such expansion shall be limited to accommodating ingress and egress to the ADU.

(3) The side and rear setbacks comply with applicable Building and Fire Code requirements, even if the existing side and rear setbacks are legal non-conforming.

(4) The JADU complies with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.

- b. **New Detached ADU with an Existing or Proposed Single-Family Dwelling: One detached new construction ADU is allowed on a lot with a proposed or existing single-family dwelling and may be combined with a JADU if all the following standards are met:**

(1) The subject lot is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.

(2) The ADU's side and rear yard setbacks are at least four feet.

(3) The ADU does not exceed 850 square feet.

(4) The ADU's maximum building height above grade is 16 feet or less, as measured pursuant to Article 6 of this Chapter complies with the height limitations identified in Section 8107-1.7.5(d)(1).

(5) The JADU complies with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.



- c. **ADUs in Existing Multifamily Dwelling Structures:** ADUs within portions of existing multifamily dwelling structures are allowed, and may be combined with detached ADUs pursuant to Section 8107-1.7.4(d), if all the following standards are met, even if the multifamily dwelling is legal nonconforming:
- (1) The subject lot is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
  - (2) Location of ADU:
    - (a) The ADUs are created within portions of the existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. If there is no existing non-livable space within a multifamily dwelling structure, an ADU cannot be created pursuant to this Section 8107-1.7.4(c).
    - (b) The non-livable space used to create an ADU pursuant to this Section 8107-1.7.4(c) on a lot with mixed-uses shall be limited to the residential areas, and shall not include the areas used for commercial or other non-residential activities. Parking and storage areas for non-residential uses shall also be excluded from potential ADU development pursuant to this Section 8107-1.7.4(c).
  - (3) The maximum number of ADUs that may be created pursuant to this Section 8107-1.7.4(c) shall be at least one or the number of ADUs equal to up to 25 percent of the existing multifamily dwelling units, whichever is greater.
- d. **Detached ADUs with Existing or Proposed Multifamily Dwelling:** Up to two detached ADUs are allowed on lots with an existing or proposed multifamily dwelling, and may be combined with ADUs created within multifamily dwellings pursuant to Section 8107-1.7.4(c), if all the following standards are met, even if the multifamily dwelling is legal nonconforming:
- (1) The subject lot is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
  - (2) The ADUs maximum height above grade is 16 feet or less complies with the height limitations identified in Section 8107-1.7.5(d)(1).
  - (3) New construction ADUs shall not exceed 850-1,200 square feet.
  - (4) The ADU's side- and rear-yard setbacks are at least four feet.
  - (5) Detached ADUs may be attached to each other, but must be detached from the existing or proposed multifamily dwelling and from other accessory structures on the lot.
- e. **No Zoning Clearance Required:** No Zoning Clearance or other land use entitlement is required pursuant to this Chapter for an ADU or JADU authorized under this Section 8107-1.7.4.

- f. **Not Subject to Development Standards in Section 8107-1.7.5:** ADUs that meet the requirements of Section 8107-1.7.4(a), (b), (c), or (d) and are entitled to a building permit are not subject to the development standards of Section 8107-1.7.5, including size, ~~height~~, setback, parking and lot coverage requirements.

**Sec. 8107-1.7.5 – Development Standards for ADUs Not Authorized under Section 8107-1.7.4**

ADUs that do not meet the standards under Section 8107-1.7.4 for approval by building permit shall be approved with a ministerial Zoning Clearance if the ADU meets Building Code and Fire Code requirements, the standards in this Section 8107-1.7.5 and other applicable zoning standards.

**a. Property Requirements:**

- (1) The subject lot is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, CPD/CBD, OS, AE, or TP.
- (2) The lot has a proposed or existing *single-family* or *multifamily dwelling*.

- b. **Maximum Number of ADUs and JADUs per Lot:** Each lot may have one ADU if the standards of this Section 8107-1.7.5 are met, and one JADU if the standards of Section 8107-1.7.6 are met.

**c. Parking Standards:**

- (1) No Parking Requirements: No parking standards apply for an ADU in any of the following instances:
  - (a) Where ~~the~~ the ADU is located within one-half mile walking distance of public transit.
  - (b) Where ~~the~~ the ADU is located within an architecturally and historically significant historic district.
  - (c) Where ~~the~~ the ADU is part of the proposed or existing primary residence or an accessory structure.
  - (d) When on-street parking permits are required but not offered to the occupant of the ADU.
  - (e) When there is a car share vehicle, as defined by section 22507.1(d) of the Vehicle Code, located within one block of the ADU.
  - (f) When a permit application for an ADU is submitted with a permit application to create a new *single-family dwelling* or a new *multifamily dwelling* on the same lot, provided that the ADU or the parcel satisfies any of the criteria listed above in this Section 8107-1.7.5(c)(1).
- (2) Required Off-street Parking: Except as provided in Section 8107-1.7.5(c)(1), the following off-street parking standards shall apply:
  - (a) Number of Spaces. One covered or uncovered off-street parking space is required per ADU or per bedroom, whichever is less.

- (b) Location of Spaces. Off-street parking may be provided as tandem parking on a driveway. Additionally, the parking space for an ADU may encroach into a required front and/or interior side setback, provided that:
    - i. The long dimension of the space is parallel to the centerline of the nearest driveway on the lot; and
    - ii. On interior lots, a minimum distance of three feet from the side lot line remains unobstructed by vehicles.
- (3) No Off-Street Replacement Parking Required for Primary Residential Structure: When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces do not need to be replaced for the primary dwelling. Additionally, no parking is required for a newly created ADU pursuant to Section 8107-1.7.5(c)(1)(c) above.
- d. **Height:** ~~The maximum height of an ADU is 16 feet above grade unless the ADU is set back at least 20 feet from all property lines in which case it may exceed 16 feet but shall not exceed the maximum allowed building height of the primary dwelling unit on the lot, as measured pursuant to Article 6 of this Chapter.~~
  - (1) The maximum allowed height for detached ADUs is as follows:
    - (a) Maximum of 16 feet above grade on a lot with an existing or proposed single-family or multifamily dwelling; or
    - (b) Maximum of 18 feet above grade on a lot with an existing or proposed multifamily dwelling with multiple stories; or
    - (c) Maximum of 18 feet above grade if the lot has an existing or proposed single-family or multifamily dwelling, and is within one half-mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the Public Resources Code. An additional two feet in overall height is allowed to accommodate a roof pitch that is aligned with the roof pitch of the primary dwelling unit.
    - (d) Detached ADUs may exceed the allowable height limits set forth in subsections (a) through (c) above if the ADU is set back at least 20 feet from all property lines, but the ADU shall not exceed the maximum allowed building height of the primary dwelling unit on the lot, pursuant to Article 6 of this Chapter.
    - (e) Detached ADUs are limited to no more than two stories.
  - (2) The maximum allowed height for an attached ADU is 25 feet above grade or the maximum allowed building height of the primary dwelling pursuant to Article 6 of this Chapter, whichever is lower.
- e. **Setbacks:**
  - (1) No additional setbacks are required if any of the following are converted to an ADU or portion of an ADU: (a) an existing living area; (b) an existing accessory structure; or (c) a new structure constructed in the same building footprint and

to the same dimensions as an existing structure. The provisions of Article 13 of this Chapter shall not apply in these situations. For purposes of this section, living area, as defined by Government Code section 65852.2(i)(4), means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(2) All other new attached and detached ADUs shall have four-foot setbacks from the rear and side lot lines.

f. **Minimum Lot Size:** There is no minimum lot size requirement for an ADU or JADU.

g. **ADU Size for Attached and Detached ADUs:**

(1) For lots that are 9,000 square feet or less, the maximum total floor area of an attached or detached ADU shall be 850 square feet if there is one bedroom or an efficiency unit; or 1,000 square feet if there is more than one bedroom; or

(2) For lots that are larger than 9,000 square feet, but less than 10 acres, the maximum total floor area of an attached or detached ADU shall be 1,200 square feet; or

(3) For lots that are 10 acres in size or larger, the maximum total floor area of an attached or detached ADU shall be 1,800 square feet.

(4) Covered patios, decks, and garages below the ADU are not included in the total floor area computation but are counted toward the maximum allowable square footage allowed for "accessory structures to dwellings" in Sec. 8105-4.

h. **ADUs Within Space of Single-Family Dwellings:** One ADU per lot is allowed within a proposed or existing single-family dwelling if the applicable standards of this Section 8107-1.7.5 and the following standards are met:

(1) The ADU is created within a portion of the existing or proposed space of a single-family dwelling and has independent exterior access;

(2) The ADU does not have internal access to the primary dwelling;

(3) The ADU does not exceed the size maximums for attached or detached ADUs set forth in Section 8107-1.7.5(d), as applicable; and

(4) The side and rear setbacks comply with applicable Building and Fire Code requirements.

i. **Accessory Structures:**

(1) No accessory structure shall be attached to a detached ADU unless the combined total floor area of the accessory structure and ADU does not exceed the allowable size of the ADU per Section 8107-1.7.5(d). This provision does not apply to ADUs built above a garage.

(2) An ADU attached to an accessory structure shall not have internal access to the accessory structure.

- j. **Limited Exception to Development Standards:** Notwithstanding any other minimum or maximum size for an ADU, size that may be limited based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setback, and minimum lot size, for either attached or detached ADUs, an ADU that is up to 850 square feet and up to 16 feet in height with four-foot side and rear setbacks may be constructed in compliance with all other applicable development standards.

#### **Sec. 8107-1.7.6 – JADU Requirements**

A JADU must comply with the following requirements:

a. **Number and Location:**

- (1) The subject lot is within one of the following single-family residential zones: R1; R2; RES; RPD; RA; RE; or RO.
- (2) One JADU is allowed per lot.
- (3) The JADU must be created within the walls of a proposed or existing single-family dwelling, including attached garages, which are considered within the walls of the existing single-family dwelling.
- (4) Lots with multiple detached single-family dwellings are not eligible to have a JADU.
- (5) A JADU is not allowed in a multifamily dwelling.
- (6) A JADU is not allowed in an accessory structure.

b. **Size:** The JADU shall not be larger than 500 square feet in total floor area.

c. **Kitchen:** The JADU must contain an efficiency kitchen that includes:

- (1) Cooking facility with appliances, and
- (2) A food preparation counter and storage cabinets.

d. **Entrance:** The JADU shall have a separate entrance from the main entrance to the proposed or existing single-family dwelling. An interior entry into the single-family dwelling is not required unless the JADU shares sanitation facilities with the single-family dwelling.

e. **Parking:**

- (1) When a JADU is created by the conversion of an attached garage, replacement parking for the primary residential structure is required to be provided. The replacement parking can be uncovered onsite parking and can be located in the setbacks, provided that:
  - (a) The long dimension of the space is parallel to the centerline of the nearest driveway on the lot; and
  - (b) On interior lots, a minimum distance of three feet from the side lot line remains unobstructed by vehicles.
- (2) Except as provided in Section 8107-1.7.6(e)(1), no additional parking is required for a JADU.

- f. **Sanitation:** A JADU must either include separate sanitation facilities or share sanitation facilities with the single-family dwelling.

**Sec. 8107-1.7.7 – ADU and JADU Application Processing and General Requirements**

**a. Ministerial Permit Approval:**

- (1) Permit applications for an ADU or JADU that meet the requirements of this Section 8107-1.7 shall be considered and approved ministerially without discretionary review or a hearing.
- (2) Except for deviations processed and granted in accordance with Section 8107-37.3 (Deviations for Cultural Heritage Sites) and Section 8111-9 (Reasonable Housing Accommodations), or as required by state law, no variance to the standards or requirements of this Chapter is available for an ADU or JADU.

**b. Type of Permit:**

- (1) Applications pursuant to Sections 8107-1.7.4 and 8107-1.7.6 shall be reviewed and approved with a building permit, if the applicable standards are met.
- (2) Applications pursuant to Section 8107-1.7.5 shall be reviewed and approved with a Zoning Clearance, if the applicable standards are met.

**c. When Demolition Permit Required:** A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued at the same time.

**d. Nonconforming Zoning Violations:** Correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of an ADU shall not be a condition to ministerial approval of an ADU or JADU application.

**e. Rentals, Owner Occupancy and Transfers:**

- (1) Rentals: An ADU and JADU may each be rented separately from the primary residence.
- (2) Rental Term: All ADUs and JADUs, and any portion thereof, that are rented shall be rented for terms that are longer than 30 consecutive days.
- (3) Owner Occupancy
  - (a) Lot with ADU: For a lot with an ADU, the owner of the lot does not have to occupy the primary residence or ADU. However, if a single-family dwelling has an ADU and a JADU, then the owner must occupy either the JADU or the remaining portion of the single-family dwelling in accordance with Section 8107-1.7.7(d)(3)(b).
  - (b) Lot with JADU: At the time of application for a JADU, the owner of the lot must reside in the single-family dwelling. Upon completion of construction of the JADU, the owner must occupy either the remaining portion of the single-family dwelling or the JADU. For purposes of this Section 8107-



1.7.7(d)(3)(b), owner includes a beneficial owner when the property is owned by a trust or legal entity. Owner-occupancy, however, is not required if the owner is a governmental agency, land trust, or housing organization.

(4) Sales and Transfers: Except as provided in Government Code section 65852.26, an ADU may not be sold or otherwise conveyed separately from the primary residence. JADUs may not be sold or transferred separately from the single-family dwelling.

**f. Deed Restriction:**

(1) For ADUs: Upon approval of an ADU, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:

(a) Rentals of the ADU must be for a term that is longer than 30 consecutive days; and

(b) Except as provided in Government Code section 65852.26, the ADU may not be sold or otherwise conveyed separately from the primary residence.

(2) For JADUs: Upon approval of a JADU, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:

(a) Rentals of the JADU must be for a term that is longer than 30 consecutive days;

(b) A prohibition on the sale of the JADU separate from the sale of the single-family dwelling, including a statement that the deed restriction may be enforced against future purchasers; and

(c) A restriction on the size and attributes of the JADU that conforms with Section 8107-1.7.6 and Government Code section 65852.22.

**Article 7, Section 8107-37.3 – Range and Approval of Allowed Deviations within Section 8107-37 – Cultural Heritage Sites** of the Ventura County Ordinance Code is hereby amended to read as follows:

**Sec. 8107-37.3 – Range and Approval of Allowed Deviations**

To advance the purpose outlined in Sec. 8107-37.1, deviations from various standards and regulations of this chapter may be granted as part of a Planned Development permit. Deviations “a” and “k” may only be granted by the Planning Commission. All others may be granted by the Planning Director or their designee. (AM. ORD. 4282 - 5/20/03; AM. ORD. 4577 – 3/9/21 (grammar))

- a. Minimum Lot Area - Sec. 8103-0 (Purpose and Establishment of Zones and Minimum Lot Areas), Sec. 8103-1 et seq. (Establishment of Alternative Minimum Lot Area by Suffix), Sec. 8106-1.1 and Sec. 8106-1.2;

- b. Permit Approval Level - Sec. 8105-4 (Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage of significant historic structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- c. Permit Approval Level - Sec. 8105-5 (Permitted Uses in Commercial and Industrial Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage of structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- d. General Development Standards - Sec. 8106-1.1 (Development Standards for Uses and Structures in OS, AE, and R Zones); (AM. ORD. 4377 – 1/29/08)
- e. General Development Standards - Sec. 8106-1.2 (Development Standards for Uses and Structures in Commercial, Industrial, and Special Purpose Zones);
- f. Fences, Walls and Hedges - Sec. 8106-8.1 et seq.
- g. Accessory Dwelling Unit Standards - Sec. 8107-1.7 et seq. (*Accessory Dwelling Units and Junior Accessory Dwelling Units*); (AM. ORD. 4519-2/27/18)
- h. Parking Standards - Sec. 8108 et seq. (Parking and Loading Requirements); (AM. ORD. 4407 – 10/20/09)
- i. Landscaping Standards - Section 8106-8.2, Section 8108-5.14 and Section 8109-0.6 (Landscaping); (AM. ORD. 4407 – 10/20/09; AM. ORD. 4577 – 3/9/21)
- j. Signage - Sec. 8110-4a (Prohibited portable freestanding signs), Sec. 8110-4i (Prohibited Projecting Signs), Sec. 8110-5-2 et seq (Location); and
- k. Non-conforming Uses and Structures - Sec. 8113-5.2 (Uses Within Structures Subject to Amortization), Sec. 8113-5.2.1 (Expansion and Change of Use Prohibited), Sec. 8113-5.3 et seq (Uses Not Amortized), Sec. 8113-6.1 (Destruction, Uses Not Amortized), Sec. 8113-6.2 (Destruction, Uses Amortized), Sec. 8113-7 (Additional Use), Sec. 8113-8 (Use of Non-conforming Lots).

*[Staff Explanation: Proposed addition of Junior Accessory Dwelling Units in cultural heritage sites section for consistency with reference for Section 8107-1.7.]*

## Section 4

# ARTICLE 8:

## PARKING AND LOADING REQUIREMENTS

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**Article 8, Section 8108-4.7 – Table of Parking Space Requirements by Land Use** of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated residential land uses:

### **Sec. 8108-4.7 – Table of Parking Space Requirements by Land Use**

The table below indicates the number of required off-street motor vehicle and bicycle parking spaces that shall be provided for various land uses. For non-residential land uses, the number

of motor vehicle parking spaces set forth in the table, plus or minus 10 percent of the total, represents the minimum required and the maximum allowed number of spaces, unless varied pursuant to Section 8108-4.8 below.

For residential land uses the number of motor vehicle parking spaces set forth in the table represents the minimum required number of spaces, unless varied pursuant to Section 8108-4.8 below. The number of motor vehicle parking spaces required in this section is intended to address the needs of residents, employees and regular users of an establishment. The number is not intended to reflect the need for parking large delivery trucks, vans or buses; storage of vehicle inventory; or other specialty parking needs related to the operation of specific land uses.

The Director has the authority to determine the parking space requirements for any land use not specifically listed based on the requirements for the most comparable land use.

LAND USE	MOTOR VEHICLE SPACES REQUIRED	BICYCLE SPACES REQUIRED
<b>RESIDENTIAL LAND USES</b>	<b>MINIMUM REQUIRED</b>	
Accessory Dwelling Units	1 covered/uncovered space (in addition to the spaces required for the <del>principal</del> primary dwelling unit)  No additional parking is required for accessory dwelling units that meet the provisions of Sec. <del>8107-1.7.2(e)</del> 8107-1.7.4 or Sec. 8107-1.7.5(c)(1).	
<u>Junior Accessory Dwelling Units</u>	<u>No parking is required for a Junior Accessory Dwelling Unit</u>  <u>Replacement parking for the primary residential structure is required pursuant to Sec. 8107-1.7.6(e)(1), if applicable.</u>	
Single Family and Two-Family Dwellings <sup>1</sup>		
1-4 Bedrooms (per unit)	2 covered <sup>2</sup> spaces	
5 Bedrooms (per unit)	3 spaces (2 shall be covered <sup>2</sup> )	
6 or More Bedrooms (per unit)	4 spaces, (2 shall be covered <sup>2</sup> )	

~~<sup>1</sup>Replacement parking for the principal dwelling unit, as a result of the garage being demolished or converted to an accessory dwelling unit, may be located in any configuration on the same lot as the accessory dwelling unit and as uncovered or tandem spaces, pursuant to Sec. 8107-1.7.1(d) and Sec. 8107-1.7.2(h).~~

<sup>1</sup> Pursuant to Sec. 8107-1.7.5(c)(3), when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces do not need to be replaced.

<sup>2</sup> Except that on parcels larger than 1 acre located in OS, AE, RA, RE, RO, and TP zones, parking may be uncovered.

*[Staff Explanation: Proposed revisions for Accessory Dwelling Unit parking requirements for consistency with Section 8107-1.7.4 and Section 8107-1.7.5(c)(1) and Government*

*Code section 65852.2. Additionally, staff proposes the addition of parking requirements for Junior Accessory Dwelling Units consistent with Section 8107-1.7.6(e)(1) and Government Code section 65852.22. Finally, staff proposes revisions to footnote 1 to be consistent with both abovementioned sections.]*

## Section 5

# ARTICLE 11: ENTITLEMENTS – PROCESS AND PROCEDURES

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**Article 11, Section 8111-7.6 – Accessory Dwelling Unit Procedures within Sec. 8111-7 - Appeals** of the Ventura County Ordinance Code is hereby amended to read as follows:

## **Sec. 8111-7.6 - Accessory Dwelling Unit and Junior Accessory Dwelling Unit Procedures**

Notwithstanding any other provisions of this Article:

- a. No public hearings shall be conducted on applications for *accessory dwelling units or junior accessory dwelling units* under Sections 8105-4, 8107-1.7, and 8108-4.7. (AM. ORD. 4407 – 10/20/09)
- b. Decisions ~~of the Planning Director (or designee)~~ on *accessory dwelling units and junior accessory dwelling units* are final County decisions when rendered and are not subject to appeal.

*[Staff Explanation: Proposed addition of Junior Accessory Dwelling Units in appeals section for consistency with reference for Section 8107-1.7.]*

## Section 6

# ARTICLE 19: SPECIFIC STANDARDS FOR AREA PLANS

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**Article 19, Section 8119-1 – Old Town Saticoy Development Code** of the Ventura County Ordinance Code is hereby amended to address accessory dwelling units and junior accessory dwelling units as follows:

*[Staff Explanation: Proposed amendments to the Old Town Saticoy Development Code Sections 8119-1.2, 8119-1.3 and 8119-1.4 are necessary for consistency with state law requirements for ADUs and JADUs, and with the development standards and requirements of Section 8107-1.7.]*

See following pages

## PERMITTED USES IN OLD TOWN SATICOY, BY ZONE

	TC	R/MU	RES	IND
<b>WAREHOUSING AND STORAGE, INDOOR ONLY</b>				PD
Building Materials, Movers' Equipment, etc.				PD
Ministorage, with or without RV Storage *				CUP
Warehousing and Storage, with outdoor storage				CUP
<b>WASTE HANDLING, WASTE DISPOSAL AND RECYCLING FACILITIES *</b>				
Recyclables Collection Centers*				ZC
Reuse Salvage Facilities (Indoor only)				CUP
Temporary Collection Activities *	ZC	ZC	ZC	ZC
Waste Collection And Processing Activities To Mitigate An Emergency *	ZC	<i>Pursuant to Sec. 8107-36.3.12</i>		ZC
<b>WASTEWATER/SEWAGE TREATMENT FACILITIES</b>				
Individual Sewage Disposal Systems				
On-Site Wastewater Treatment Facilities				
<b>WATER PRODUCTION, STORAGE, TRANSMISSION, AND DISTRIBUTION FACILITIES</b>				
4 Or Fewer Domestic Service Connections (Privately Operated)	ZC	ZC	ZC	ZC
5 Or More Domestic Service Connections (Privately Operated)	PD	PD	PD	PD
Well Drilling For Use Only On Lot Of Well Location	E	E	E	E
<b>WHOLESALE TRADE</b>				CUP
<b>B] ACCESSORY USES AND STRUCTURES</b>				
<b>ACCESSORY USES AND STRUCTURES</b>	ZC	ZC	ZC	ZC
Keeping of Animals				
Pet animals <i>Per Sec. 8107-2.4</i>	E	E	E	
Security animals ( <i>See Sec. 8107-2.4.4</i> )	E			E
More Animals Than Permitted	CUP			CUP
Youth projects *			ZC-W	
Dwellings:				
Buildings For Human Habitation:				
<i>Live/Work Units</i>	PD			
For Caretaker (with or without pets)				CUP
For Superintendent Or Owner	CUP	PD		CUP
Accessory Dwelling Unit (ADU)* (AM. ORD. 4519 - 2/27/18)		<i>Pursuant to Sec. 8107-1.7</i>		
<i>Junior Accessory Dwelling Unit (JADU)*</i>			<i>Pursuant to Sec. 8107-1.7</i>	

E = Exempt

ZC = Zoning Clearance<sup>1</sup>ZC-W = Zoning Clearance with signed waivers<sup>1</sup>PD = Planned Development Permit<sup>1</sup>CUP = Conditional Use Permit<sup>1</sup>

Not allowed

Exempt

Approved by Planning Director or Designee

Approved by Planning Commission

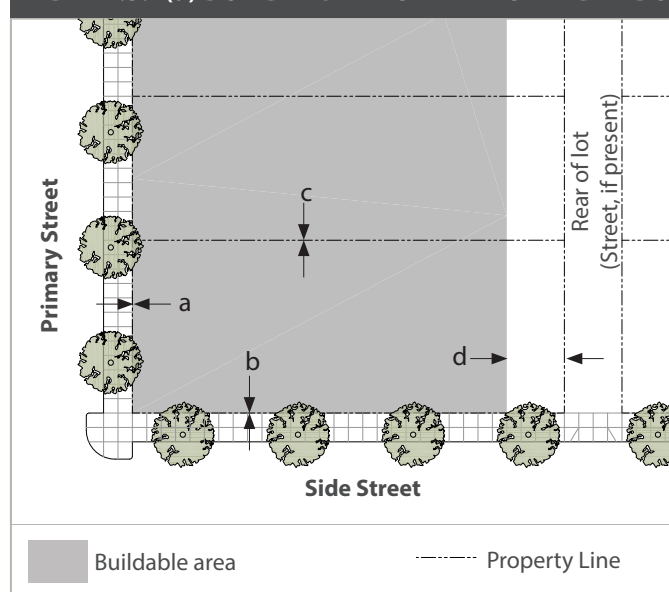
Approved by Board of Supervisors

\* There are specific regulations for this use; see Article 7.

<sup>1</sup> Includes a review for conformance with the Old Town Saticoy Development Code.

1. Buildings shall be located within the building site per [Table 1.3.2\(a\)](#) below. Setbacks are measured as per Sec. 8106-4.
2. See [Sec. 8119-1.4](#) (Building Type Standards) for allowed building types, minimum and maximum lot width and depth dimensions, and applicable design requirements.
3. Corner lots along L.A. Avenue shall include ground-floor commercial retail facing L.A. Avenue.
4. See [Sec. 8119-1.8](#) for additional requirements.
5. Outdoor uses (such as dining) must be located within the property line.

### TABLE 1.3.2(a) BUILDING PLACEMENT STANDARDS



PRIMARY BUILDING		MIN.	MAX.
a	Primary Street Setback <sup>1</sup>	10 ft.	20 ft. <sup>2</sup>
b	Side Street Setback <sup>1</sup>	5 ft.	15 ft. <sup>2</sup>
c	Side Setback	5 ft.; 8 ft. for three story buildings	–
d	Rear Setback	10 ft.	–

## ACCESSORY BUILDING

Pursuant to Sec. 8107-1.7, an accessory dwelling unit (ADU) shall be allowed on a lot zoned R/MU with an existing or proposed single-family or multifamily dwelling.<sup>3</sup> In all other instances, no detached habitable Accessory Buildings are allowed within the R/MU Zone. However, an attached habitable Accessory Dwelling for a Superintendent or Owner is allowed (See Sec. 8119-1.4.10).

[1] Primary or Side Street setbacks to be landscaped or paved as per [Sec. 8119-1.4.2\(e\)](#).

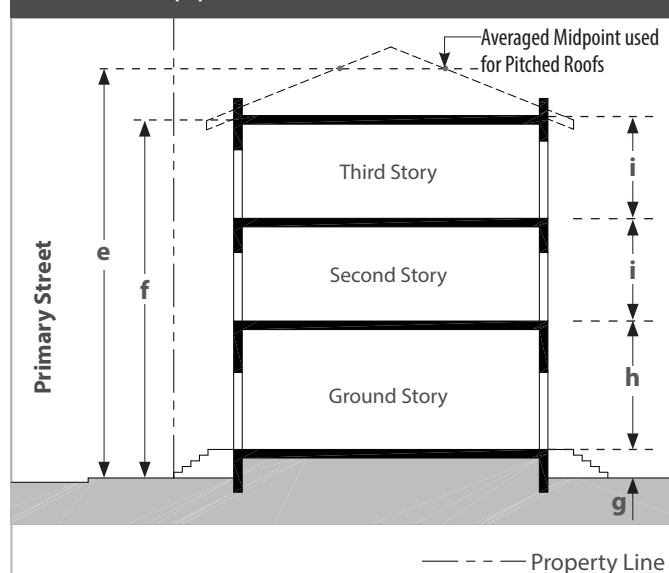
[2] Exceptions are available for outdoor uses (such as dining, landscaping, etc.)

[3] See **Sec. 8119-1.3.3(a) and (b)** for building placement and building profile standards for ADUs. (AM. ORD. 4519 - 2/27/18)

### b. Building Profile

1. Building heights shall comply with the standards listed in [Table 1.3.2\(b\)](#), and are measured as per [Sec. 8119-1.8.2](#). Floor heights are measured floor to floor.
2. The maximum height of buildings with flat roofs shall include parapets and roof decks.
3. Chimneys and other architectural features may project beyond the maximum building height as allowed by the California Building Code and Sec. 8106-7.

### TABLE 1.3.2(b) BUILDING PROFILE STANDARDS



PRIMARY BUILDING		MIN.	MAX.
e	Building height (stories)	1	3
	Building height (ft.) for pitched roofs	–	50
	Building height (ft.) for flat roofs	–	45
f	Building height (ft.) to top-of-plate	16	40
g	Ground floor level above sidewalk (ft.)		
	Nonresidential	0	2
	Residential	0	2
h	Ground story floor to floor height (ft.)		
	Nonresidential	12	30
	Residential	12	20
i	Upper story floor to floor height (ft.)	10	15

## ACCESSORY BUILDING

The height of the attached Accessory Buildings shall not exceed the height of the *Primary Building*. For ADUs, however, the maximum building height shall be pursuant to Sec. 8107-1.7.

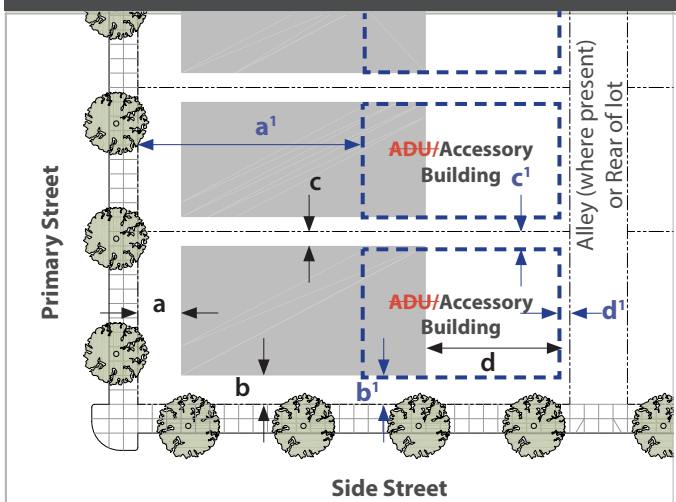


### Sec. 8119-1.3.3 - Residential (RES) Zone

#### a. Building Placement (AM. ORD. 4519 - 2/27/18)

- Buildings, Accessory Dwelling units (ADU) pursuant to Sec. 8107-1.7.5, and other habitable/non-habitable accessory buildings shall be located within the building site per **Table 1.3.3(a)** below, except that setbacks for ADUs shall be consistent with Sec. 8107-1.7.5. Setbacks are measured as per Sec. 8106-4.
- See **Sec. 8119-1.4** (Building Type Standards) for allowed building types, minimum and maximum lot width and depth dimensions, and applicable design requirements.
- See **Sec. 8119-1.8** for additional requirements.
- For all other applicable standards regarding ADUs, see Sec. 8107-1.7.

**TABLE 1.3.3(a) BUILDING PLACEMENT STANDARDS**



PRIMARY BUILDING		MIN.	MAX.
a	Primary Street Setback <sup>1</sup>	15 ft. or prevailing setback for block length	20 ft.
b	Side Street Setback <sup>1</sup>	10 ft.	–
c	Side Setback	5 ft.	–
d	Rear Setback	10 ft.	–
ADU/ACCESSORY BUILDING		MIN.	MAX.
a'	Primary Street Setback <sup>1</sup>	Locate on Rear 40% of lot	
b'	Side Street Setback <sup>1,3</sup>	10 ft.	–
c'	Side Setback <sup>2,3</sup>	5 ft.	–
d'	Rear Setback <sup>2,3</sup>	5 ft.	–

[1] Primary and Side Street setbacks shall be landscaped.

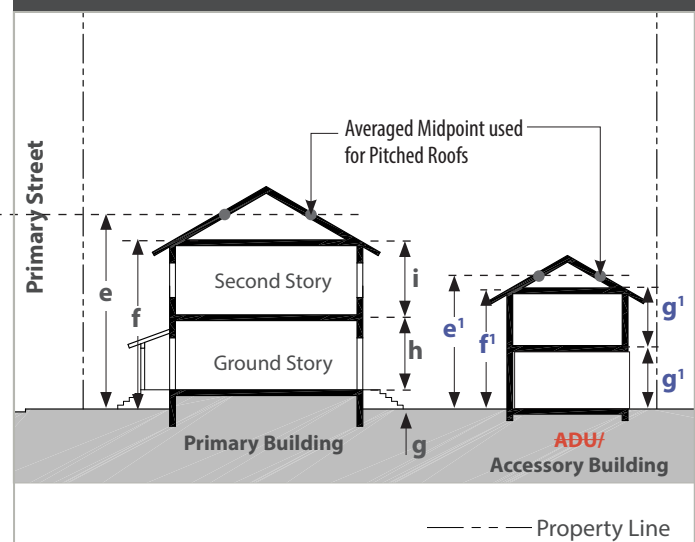
[2] An exception is allowed for non-habitable accessory buildings where the minimum side and rear setback can be 3 ft. (Per Sec. 8106-5.1).

[3] Minimum setbacks for ADUs shall be pursuant to Sec. 8107-1.7.

#### b. Building Profile (AM. ORD. 4519 - 2/27/18)

- Building heights shall comply with the standards listed in **Table 1.3.3(b)** below and are measured as per **Sec. 8119-1.8.2**. Floor heights are measured floor to floor.
- The maximum height of buildings with flat roofs shall include parapets and roof decks.
- Chimneys and other architectural features may project beyond the maximum building height as allowed by the California Building Code and Sec. 8106-7.

**TABLE 1.3.3(b) BUILDING PROFILE STANDARDS**



PRIMARY BUILDING		MIN.	MAX.
e	Building height (stories)	1	2
	Building height (ft.)	–	35
f	Height to top-of-plate (ft.)	–	25
g	Ground floor level above sidewalk (ft.)	0	3
h	Ground story height (ft.)	9	12
i	Upper story height (ft.)	9	12
ADU/ACCESSORY BUILDING		MIN.	MAX.
e'	Building height (stories)	1	2'
	Building height (ft.) <sup>2,3</sup>	–	25
f'	Height to top-of-plate (ft.)	–	20
g'	Floor height (ft.)	9	10

[1] Only allowed if it is: (a) a 2-story ADU, or (b) an ADU located over a non-habitable accessory building.

[2] Building height of ADU/Accessory Building shall not exceed the height of the Primary Building.

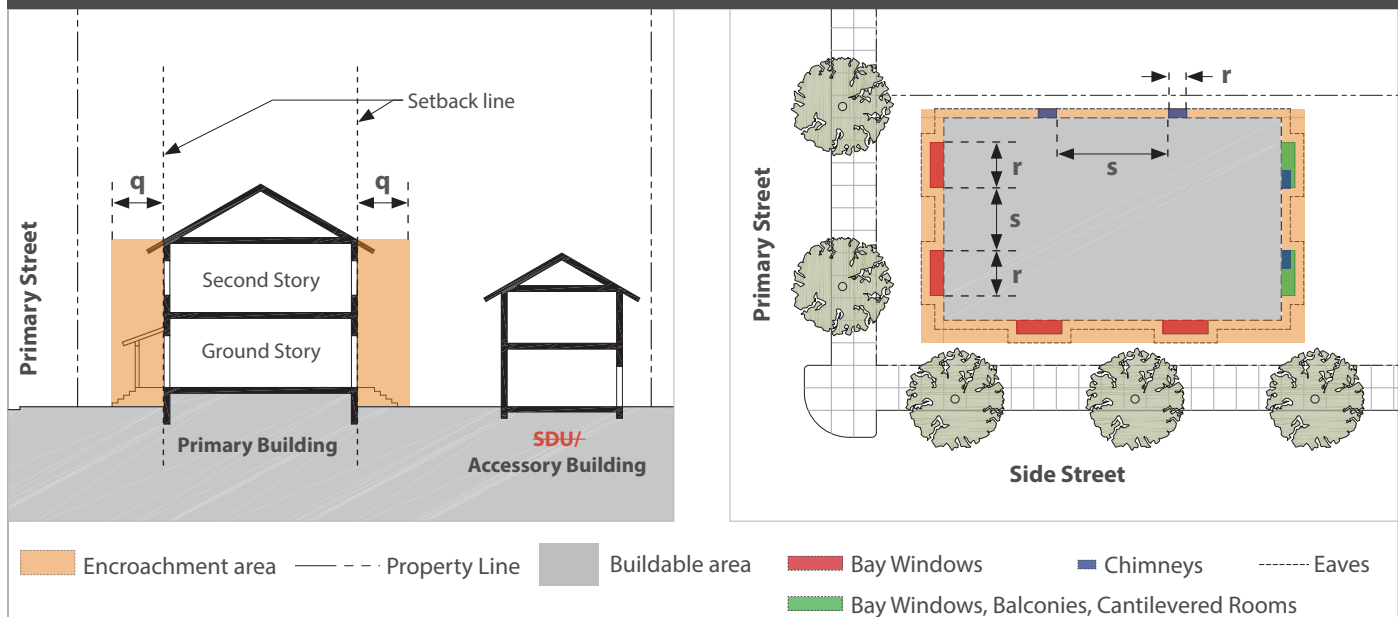
[3] Maximum building height for ADUs shall be pursuant to Sec. 8107-1.7.

### Sec. 8119-1.3.3 - Residential (RES) Zone (contd.)

#### e. Building Encroachments

1. Permitted *frontage* types per [Sec. 8119-1.5](#) (Frontage Type Standards) may encroach into setbacks as identified in [Table 1.3.3\(e\)](#) below.
2. Architectural elements, including bay windows, balconies (covered or uncovered), chimneys, eaves, and signage may encroach into setbacks as identified in [Table 1.3.3\(e\)](#) below. As part of the main building, cantilevered rooms are also allowed to encroach.
3. No encroachments shall be permitted within the public right-of-way.
4. Maximum dimensions of architectural elements, including bay windows, balconies (covered or uncovered), cantilevered rooms, chimneys, and eaves are indicated in [Table 1.3.3\(e\)](#) below. See [Sec. 8119-1.5](#) (Frontage Type Standards) for dimensions of allowed *frontage* types and [Sec. 8119-1.6](#) (Signage Standards) for dimensions of allowed signage types.
5. See following sections for allowances: Sec. 8106-5 for fire escapes and open unenclosed stairways (Sec. 8106-5.6); depressed ramps (Sec. 8106-5.8); uncovered, unenclosed landing and porches (Sec. 8106-5.9); and decks (Sec. 8106-5.10).

TABLE 1.3.3(e) BUILDING ENCROACHMENT STANDARDS



#### BUILDING ENCROACHMENT STANDARDS

ENCROACHMENT TYPE	MAXIMUM ENCROACHMENT (q)				MAX. LENGTH		MIN. DISTANCE BETWEEN ENCROACHMENTS (s)
	FRONT	SIDE STREET	SIDE YARD	REAR YARD	PER INDIVIDUAL ENCROACHMENT (r)	ALL ENCROACHMENTS COMBINED	
Bay Windows <sup>1</sup>	3 ft.	3 ft.	0 ft.	3 ft.	12 ft.	20 ft. or 45% of façade length, whichever is greater	8 ft.
Balconies <sup>2</sup>	3 ft.	3 ft.	0 ft.	3 ft.			
Cantilevered rooms <sup>2</sup>	0 ft.	0 ft.	0 ft.	2 ft.			
Chimneys	2 ft.	2 ft.	2 ft.	2 ft.	4 ft.	16 ft.	8 ft.
Eaves	2 ft. <sup>3</sup>	2 ft. <sup>3</sup>	2 ft.	2 ft. <sup>3</sup>	n/a	100% of façade length	n/a
Porch, Stoop	5 ft.	5 ft.	2 ft.	2 ft.	See <a href="#">Sec. 8119-1.5.4</a> and <a href="#">Sec. 8119-1.5.5</a>		

[1] Bay windows are allowed only on the ground floor.

[2] Balconies and cantilevered rooms are allowed only on second floor.

[3] Eaves may encroach up to 5 feet into front, rear and side street setback when extending from a bay window, covered balcony, or cantilevered room.

## Sec. 8119-1.4 - Building Type Standards

### Sec. 8119-1.4.1 - Allowable Building Types by Zone

A parcel may only be developed with a building type allowed by this Section. Allowable building types for each zone in Old Town Saticoy are shown in [Table 1.4.1](#) below. Section references in the table indicate the location for Building Type standards.

BUILDING TYPES	ZONE			
	TC	R/MU	RES	IND
Commercial/Mixed-Use Building	Sec. 8119-1.4.3	Sec. 8119-1.4.3		Sec. 8119-1.4.3
Courtyard Building	Sec. 8119-1.4.4	Sec. 8119-1.4.4		
Townhouse		Sec. 8119-1.4.5		
Small Apartment Building		Sec. 8119-1.4.6		
Triplex and Quadplex		Sec. 8119-1.4.7	Sec. 8119-1.4.7	
Single-Family House and Duplex		Sec. 8119-1.4.8 <sup>2</sup>	Sec. 8119-1.4.8	
Industrial Building				Sec. 8119-1.4.9
Accessory Dwellings (habitable) <sup>1</sup>	Sec. 8119-1.4.10	Sec. 8119-1.4.10	Sec. 8119-1.4.10	Sec. 8119-1.4.10
Accessory Structures (non-habitable)			Sec. 8119-1.4.11	

[1] There are **two several** types of accessory, habitable buildings:

- Accessory dwelling units, which are allowed in the R/MU and RES zones, and Junior Accessory Dwelling Units, which are allowed in the RES zone on single-family and multi-family zoned lots, pursuant to Sec. 8107-1.7 (AM. ORD. 4519 - 2/27/18), and
- Caretaker dwelling units and those for Superintendent/Owner, which are allowed in the TC, R/MU, and IND zones.

[2] Duplexes are allowed in the R/MU zone when only a 3/4" water meter is available.

### Sec. 8119-1.4.2 - Requirements for all Building Types

See [Sec. 8119-1.4.3 through Sec. 8119-1.4.11](#) for detailed Building Type standards.

#### a. Building Size, Massing and Materials

All *Principal* and *Secondary* uses shall be conducted within a completely enclosed building, unless the use is specifically identified as an outdoor use or is one which must be located outdoors in order to function.

1. **Corner Lots:** When a building is located on a corner lot, the *Primary* and *Side Street* *façades* shall utilize the same materials and finishes.
2. **Street-Facing Façades:** In order to ensure that building size and massing is consistent with the small-town character of Old Town Saticoy:
  - i. The length of *façade* shall be limited to the standards in [Tables 1.4.3. through 1.4.11.](#)
  - ii. If the *façade* length exceeds 100 feet, the *façade* shall be visually broken up into multiple vertical segments (Also see [Sec. 8119-1.4.2\(a\)\(3\). Building Façades](#)).



Example of a commercial building that breaks a long façade into multiple vertical segments.

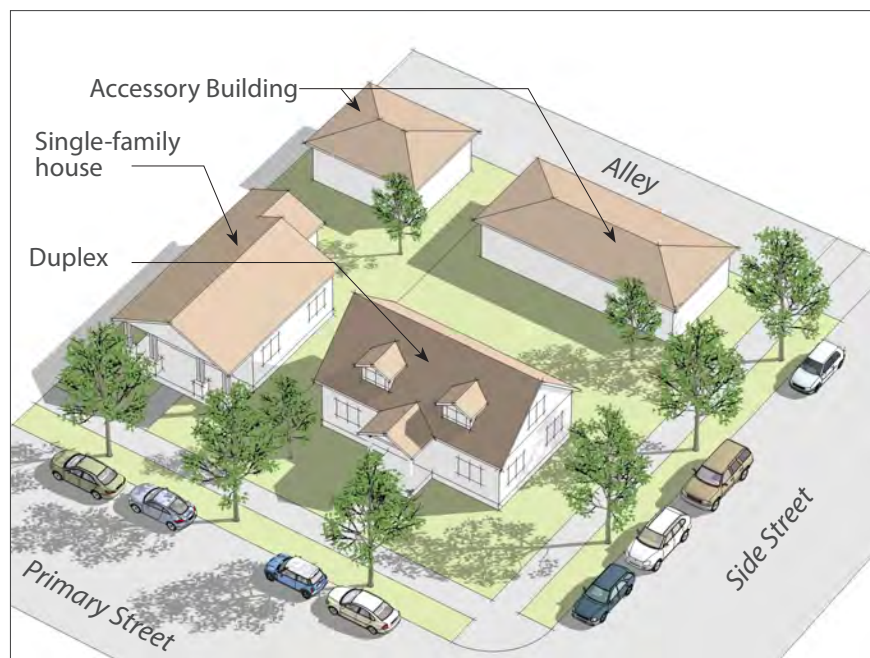


## Sec. 8119-1.4.8 - Single-Family House and Duplex

Single-Family Houses and Duplexes are “house-form” buildings that are surrounded on all four sides by setbacks (front yard, side yards, rear yard). Single-Family Houses contain only one unit. Duplexes contain two dwelling units, which can be organized side-by-side or vertically (top/bottom units). On-site open space is provided by a rear yard. All Single-Family and Duplex Buildings shall meet the standards listed in [Table 1.4.8](#).

Habitable and non-habitable Accessory Structures such as accessory dwelling units, garages, and storage rooms may be located on a single-family lot [or a multifamily lot](#) per the requirements of [Tables 1.3.3\(a\) to 1.3.3\(e\)](#), and [Sec. 8107-1.7](#). For Building Type Standards for habitable and non-habitable Accessory structures, see [Sec. 8119-1.4.10](#) and [Sec. 8119-1.4.11](#)). [For additional Accessory Dwelling Unit and Junior Accessory Dwelling Unit requirements, see Sec. 8107-1.7.](#)

(AM. ORD. 4519 - 2/27/18)



*Single-Family House (left) and Duplex (right) Building Types with detached garages shown in back yard along alleyway.*



*Illustrative Photo of Single-Family House*



*Illustrative Photo of Single-Family or Duplex dwelling*

## Sec. 8119-1.4.10 - Accessory Dwellings (and other habitable structures)

(AM. ORD. 4507/4509 - 3/14/17 (expired 3/14/18);  
AM. ORD. 4519 - 2/27/18)

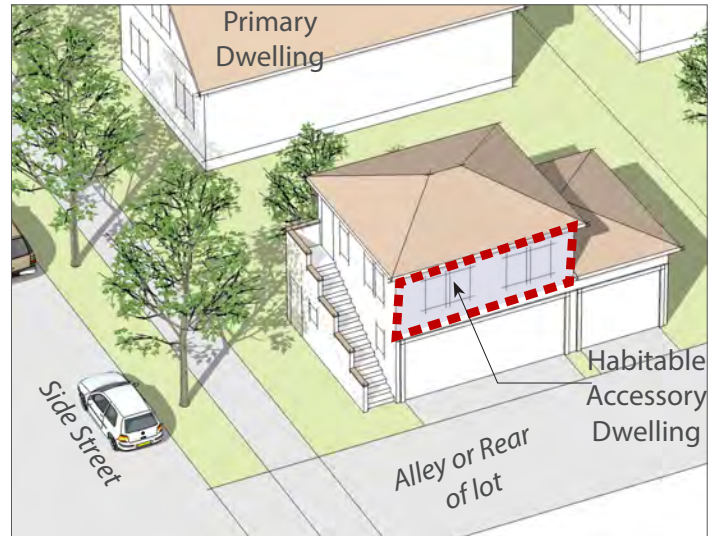
Accessory dwellings share the lot with a single-family or multifamily dwelling (or other *principal use*), and shall be smaller than the *principal* dwelling and located at the rear of the lot (See [Table 1.3.3\(a\)](#)) in one of the following configurations:

### a. Accessory Dwellings:

These types of dwellings include, but are not limited to, Accessory Dwelling Units (ADUs) in the R/MU and RES zones, Junior Accessory Dwelling Units (JADUs) in the RES zone, and live/work units, Caretakers Dwelling units, or units for Superintendent or Owner (as permitted by [Sec. 8119-1.2](#)) in the TC, R/MU and IND zones. In general, these units include bathing sanitation facilities (i.e. toilet, and shower or bathtub) or a kitchen, or both, and can be attached to the *principal* dwelling or a garage, but cannot have internal access to the *principal* dwelling or garage. Apply Sec. 8107-1.7 for all other requirements related to ADUs and JADUs (with the exception of minimum lot requirement).

### b. Other habitable accessory structures:

An attached or detached habitable dwelling located above or beside a non-habitable accessory building (such as garage, or storage shed). Uses for these structures include, but are not limited to, artists studios, workshops and workout rooms. This type of structure shall not include bathing facilities or kitchens, and has no internal access to the *principal use*. Habitable accessory structures are not intended as dwelling units.



A habitable Accessory Dwelling Type configured as an accessory dwelling unit on top of a garage, detached from the primary building.

Multiple habitable accessory structures are allowed on one lot, ~~but can include only~~ the number of ADUs and JADUs as specified in Sec. 8107-1.7 one accessory dwelling unit. All structures shall comply with all pertaining zone standards (setbacks, lot coverage, etc). All Accessory Buildings shall meet the standards listed in [Table 1.4.10](#).



Illustrative Photo of a habitable Accessory Dwelling unit located over a garage (a two-story configuration).



Illustrative Photo of a habitable Accessory Dwelling located behind the principal dwelling (a one-story configuration).



**TABLE 1.4.10. ACCESSORY DWELLINGS (AND OTHER HABITABLE STRUCTURES)**

STANDARD	ZONE			
	TC	R/MU	RES	IND
1. LOT SIZE <sup>1</sup>				
A. Width	50 ft. min.			
B. Depth	100 ft. min.			
C. Min. Lot Size (SF)	As determined by the PD or CUP for the use on site		n/a 8,000-SF min. (for Accessory Dwelling Unit only)	As determined by the PD or CUP for the use on site
2. BUILDING SIZE AND MASSING <sup>1</sup>				
A. Height (max.)	1 story / 15 ft.	1 story / 15 ft.	2 stories / 25 ft. ; 1 story / 15 ft.	1 story / 15 ft.
B. Length along alley	30 ft. max.	n/a	30 ft. max.	n/a
C. Length along side yard	20 ft. max.			
D. Building and Unit size for Accessory Dwellings Units (SF) <sup>1,2</sup>	Caretakers, and Superintendent/Owners: 700 SF max. building footprint; Dwelling size: 400 SF min. to 700 SF max		n/a Accessory Dwelling Unit (ADU) <sup>3</sup> :- 700-SF max. building footprint (for detached ADUs only); Dwelling size: 1,200-SF max;	Same as TC and R/MU
3. PEDESTRIAN ACCESS FROM PRIMARY OR SIDE STREET				
A. Internal lots	Side yard connected to a Primary Street; or rear yard connected to an alley	Side yard connected to a Primary Street	Side yard connected to a Primary Street; or rear yard connected to an alley	Side yard connected to a Primary Street
B. Corner lots	From Side street, required			
4. PARKING ACCESS <sup>4</sup>				
A. Lot with alley	From alley	n/a	From alley	n/a
B. Corner lot without alley	Min. 12 ft. wide driveway connected to a Side Street			
C. Internal lot without alley	Min. 12 ft. wide driveway connected to a Primary Street, located as close to side yard property line as possible.			
5. PARKING TYPE				
A. Type	Surface lot, garage, carport, or open			
6. OPEN SPACE AND LANDSCAPE				
A. Side Street Setbacks	Landscaping required in Side Street setback			
B. Private Open Space	n/a		• Ground floor units: Rear/side yard; min. size: 80 SF. • Balcony (for 2nd story unit only): min. size: 40 SF with min. dimensions 5 ft. x 8 ft.	n/a
C. Common Open Space	10 ft. min. width along rear or side yard facing accessory structure			
7. FRONTAGE				
A. Ground Floor	No frontage type required (may include Stoop in RES zone - See <a href="#">Sec. 8119-1.5.4</a> ); Street- and alley-facing windows required.			
B. Upper Floors	Street- and alley-facing windows required			

[1] Refers to Gross Floor Area.

[2] Multiple accessory structures are allowed on one lot, but shall not exceed a cumulative gross floor area of 2,000 SF, except for ADUs allowed pursuant to Sec. 8107-1.7. This may include a combination of structures identified in [Sec. 8119-1.4.10\(b\)](#) and [Sec. 8119-1.4.11](#). See [Sec. 8107-1.7](#) for the maximum allowable number and unit size for ADUs and JADUs per lot. Only one Accessory Dwelling Unit can be accommodated per lot (see max. size of Accessory Dwellings in 2.D. in Table 1.4.10 above).

[3] These lot size, building size and massing requirements do not apply to ADUs. See Section 8107-1.7. Other than the specific provisions for ADUs listed in Sec. 8119-1.3.2, Sec. 8119-1.3.3 and Sec. 8119-1.4.10, all other standards regulating ADUs listed in Sec. 8107-1.7 shall apply. An Accessory Dwelling unit is allowed on a Residential parcel with a Single-Family home only if the lot size is 8,000 SF or more.

[4] Driveway standards may be adjusted as per requirements of the Ventura County Fire Prevention District.



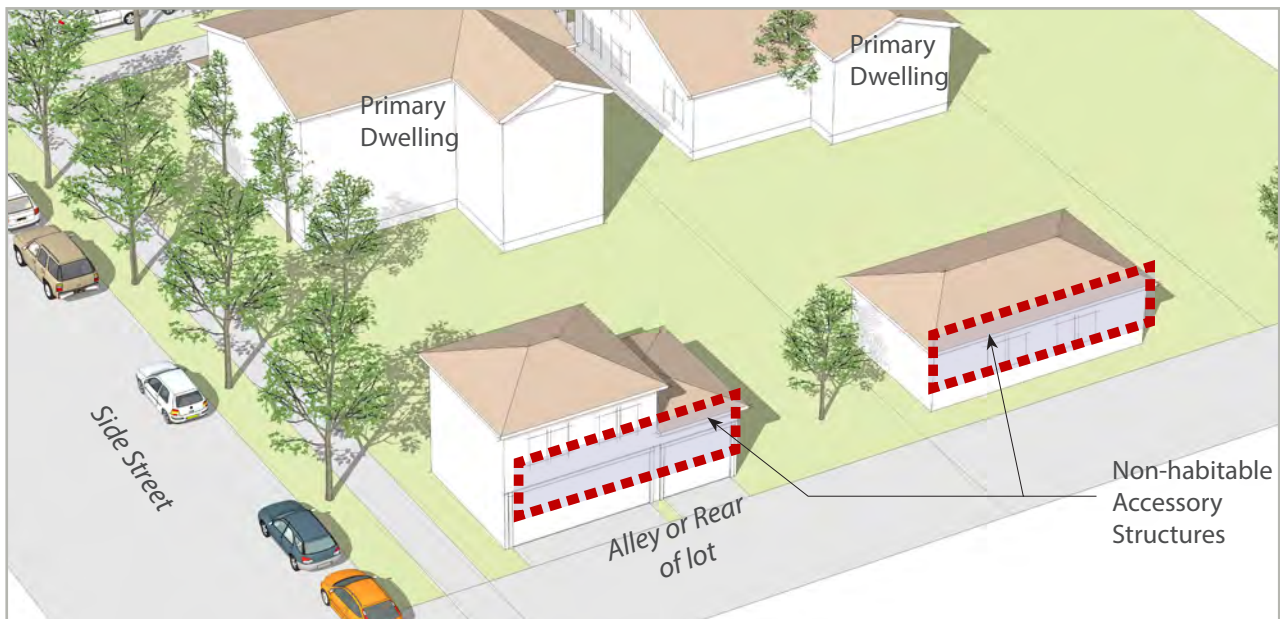
## Sec. 8119-1.4.11 - Accessory Structure (Non-habitable)

(AM. ORD. 4519 - 2/27/18)

Accessory Structures which are non-habitable include separate buildings that share a lot with a street-facing single-family house, duplex, *triplex* or *quadplex*. These Accessory Structures are one-story and include a detached garage, storage shed, or similar uses. Non-habitable accessory structures must be smaller than the *principal* dwelling and are located at the rear of the lot.

All non-habitable Accessory Structures shall meet the standards listed in [Table 1.4.11](#).

*Note: An accessory dwelling unit may be located above or beside a garage, as long as there is no internal access. (Refer to [Sec. 8107-1.7.5\(i\)](#) [Sec. 8107-1.7.2\(o\)](#))*



A non-habitable Accessory Building Type configured as the following:

(on left): as a garage, detached from the primary building, with a habitable accessory dwelling unit located on top; and (on right) as a single-story detached structure such as a garage, workshop, storage shed, etc.



*Illustrative Photo of a ground-floor non-habitable garage, configured with a habitable accessory unit above it with no internal access and detached from the principal dwelling.*



*Illustrative Photo of a one-story non-habitable Accessory Structure (storage shed) located behind the principal dwelling.*

## Section 7

If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Ventura County Board of Supervisors hereby declares that it would have passed and adopted this ordinance, and each and all provisions hereof, irrespective of the fact that any one or more provisions may be deemed invalid or unconstitutional.

## Section 8

This ordinance shall become effective and operative 30 days after adoption.

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES: Supervisors \_\_\_\_\_

NOES: Supervisors \_\_\_\_\_

ABSENT: Supervisors \_\_\_\_\_

\_\_\_\_\_  
CHAIR, BOARD OF SUPERVISORS

ATTEST: DR. SEVET JOHNSON  
Clerk of the Board of Supervisors  
County of Ventura, State of California

By \_\_\_\_\_  
Deputy Clerk of the Board

## **EXHIBIT 4**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF  
CALIFORNIA, AMENDING DIVISION 8, CHAPTER 1, ARTICLES 2, 5, 7, 8,  
11, AND 19 OF THE VENTURA COUNTY ORDINANCE CODE, NON-  
COASTAL ZONING ORDINANCE PERTAINING TO ACCESSORY  
DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

The Board of Supervisors of the County of Ventura ("County") ordains as follows:

### **Section 1**

## **ARTICLE 2: DEFINITIONS**

---

**Article 2, Section 8102-0 – Application of Definitions**, of the Ventura County Ordinance Code is hereby amended by revising the following existing definition to read as follows:

Dwelling Unit, Accessory (ADU) - An attached or a detached residential *dwelling* unit, or a unit within the existing space of a primary *dwelling* unit, which provides complete independent living facilities for one or more persons and is located on a *lot* with a proposed or existing primary *dwelling*. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same *lot* as the proposed or existing *single-family or multifamily dwelling*. An accessory dwelling unit also includes the following:

- (a) An efficiency unit, as defined in section 17958.1 of the Health and Safety Code; and
- (b) A manufactured home, as defined in section 18007 of the Health and Safety Code.

**Article 2, Section 8102-0 – Application of Definitions**, of the Ventura County Ordinance Code is hereby amended by adding the following definition:

Dwelling Unit, Junior Accessory (JADU) - A *dwelling* unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family *dwelling*. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

## Section 2

# ARTICLE 5:

# USES AND STRUCTURES BY ZONE

---

**Article 5, Section 8105-4 - Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones**, of the Ventura County Ordinance Code, is hereby amended to read as follows with respect to the below-stated land uses relating to Accessory Dwelling Units and Junior Accessory Dwelling Units:

### Sec. 8105-4 – Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<b>DWELLINGS (43)</b>											
Dwellings, Single-Family * (Mobilehomes - See Sec. 8107-1.3)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD		ZC	
Mobilehome, Continuing Nonconforming (15)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	
Dwellings, Two-Family, Or Two Single-Family Dwellings							ZC	PD			
Dwellings, Multi-Family (42)(43)(44)								PD	ZC		
Accessory Dwellings											
Accessory Dwelling Unit (ADU)	Pursuant to Sec. 8107-1.7										
Junior Accessory Dwelling Unit (JADU)	Pursuant to Sec. 8107-1.7										
Employee Housing (55)	See Sec. 8107-26										
Agricultural Employee Housing											
Maximum of 4 dwelling units	ZC	ZC	ZC							ZC	
More than 4 dwelling units or not meeting standards established by Sec. 8107-26.3	PD	PD	PD							PD	
Other Employee Housing (6 or fewer employees)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD		ZC	
Farmworker Housing Complex (55)	PD	PD	PD								
Farmworker Group Quarters (55)	PD	PD	PD								

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
Dwellings, Accessory Structures To											
Buildings For Human Habitation: (3, 19)											
temporary housing during construction/prior to reconstruction* (19, 42, 50)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	

*\*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.*

**Article 5, Section 8105-5 - Permitted Uses in Commercial and Industrial Zones**, of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated land uses relating to Accessory Dwelling Units:

### **Sec. 8105-5 - Permitted Uses in Commercial and Industrial Zones**

	CO	C1	CPD	M1	M2	M3
<b>MIXED USE DEVELOPMENT WITHIN THE CBD OVERLAY ZONE PER SECTION 8109-4.5.5 (37)</b>			PD			
Accessory Dwelling Unit (ADU) within the CBD overlay zone*			Pursuant to Sec. 8107-1.7			

*\*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.*

<b>E</b> = Exempt <b>ZC</b> = Zoning Clearance unless specifically exempted	<b>ZCW</b> = Zoning Clearance with signed waivers <b>PD</b> = Planned <i>Development</i> Permit <b>CUP</b> = Conditional Use Permit	<b>Not Allowed</b>	Exempt	Approved by <i>Planning Director</i> or Designee	Approved by Planning Commission	Approved by Board of Supervisors
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Section 3  
**ARTICLE 7:**  
**STANDARDS FOR SPECIFIC USES**

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**Article 7, Section 8107-1.7 – Accessory Dwelling Units**, of the Ventura County Ordinance Code, is hereby repealed and reenacted to read as follows:

**8107-1.7 – Accessory Dwelling Units and Junior Accessory Dwelling Units**

**Sec. 8107-1.7.1 – Purpose**

The purpose of this Section 8107-1.7 is to allow and regulate *accessory dwelling units (ADUs)* and *junior accessory dwelling units (JADUs)* in compliance with Government Code sections 65852.2 and 65852.22, as may be amended. Pursuant to Government Code section 65852.2, an *ADU* permitted through this Section 8107-1.7 does not exceed the allowable density for the *lot* upon which the *ADU* is located; and an *ADU* is a residential use that shall be deemed consistent with the existing general plan and zoning designation for the *lot*. If any provision of this Section 8107-1.7 or the underlying zoning district standards conflicts with state law, the latter shall govern.

**Sec. 8107-1.7.2 – Definitions**

As used in this Section 8107-1.7, the following definitions shall apply:

Accessory Structure - A structure that is accessory and incidental to a *dwelling* located on the same *lot* as defined in Government Code section 65852.2(j)(2), as may be amended.

Existing - Space, units, or structures that are legally permitted or legal non-conforming.

Nonconforming Zoning Condition - A physical improvement on a property that does not conform with current zoning standards as defined in Government Code section 65852.2(j)(6), as may be amended.

Passageway - A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the *accessory dwelling unit* as defined in Government Code section 65852.2(j)(7), as may be amended.

Proposed Dwelling - A *dwelling* that is the subject of a permit application and that meets the requirements for permitting as defined in Government Code section 65852.2(j)(8), as may be amended.

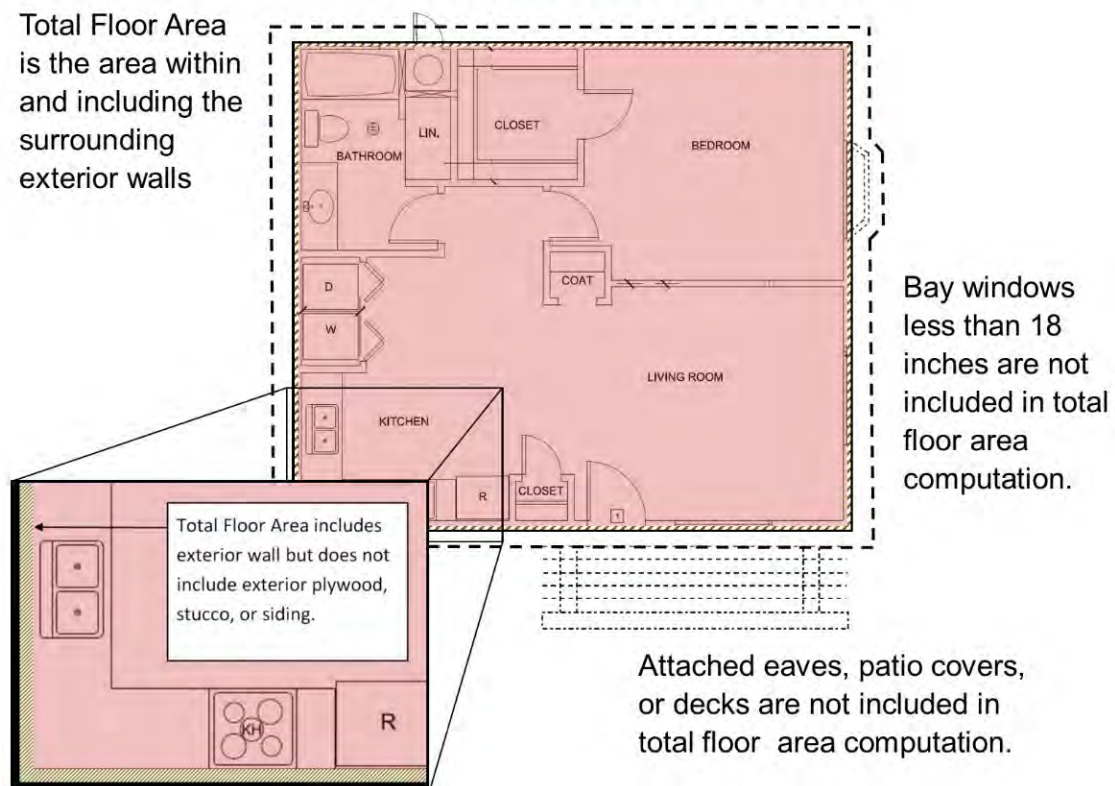
Public Transit - A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public as defined in Government Code section 65852.2(j)(9), as may be amended.

Tandem Parking - A parking configuration where two or more automobiles are parked on a driveway or in any other location on a *lot*, lined up behind one another as defined in Government Code section 65852.2(j)(10), as may be amended.



**Total Floor Area** - Shall have the same definition as “building area” as set forth in Title 24, Part 2, Chapter 2 of the California Building Code, as may be amended, which states: “The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.” However, the computation of total floor area for *ADUs* shall not include: a garage that is below the *ADU* when there is no internal access from the garage to the *ADU*; or an unenclosed area or feature such as any eave or architectural feature, attached covered patio or deck, an open deck constructed at or below the level of the first floor, a balcony or the space below a cantilevered balcony, the space below an open and unenclosed stairway, a covered car port, a bay window that does not extend to the floor or protrude more than 18 inches from the adjoining exterior wall, or similar, as illustrated in Figure 1.

**Figure 1**



### **Sec. 8107-1.7.3 – Types of Accessory Dwelling Units**

An *ADU* may be created in the following forms:

- a. **Detached:** The *ADU* is separated from the primary residential structure.
- b. **Attached:** The *ADU* is attached to the primary residential structure. An attached *ADU* may include the conversion of existing partially enclosed spaces (such as a covered patio) to an *ADU* that is attached to the primary residential structure.

- c. Space within Primary Residential Structure: The *ADU* is created within the space (e.g., primary bedroom, attached garage, storage area, or similar use) of an existing or proposed primary residential structure.
- d. Space within an Existing Accessory Structure: The *ADU* is created within the space of an existing accessory structure that is located on the lot of the primary residence.

#### **Sec. 8107-1.7.4 – ADUs and JADUs Allowed by Building Permit**

A complete application for a building permit shall be ministerially approved to allow an *ADU* and/or *JADU* that meets applicable Building Code and Fire Code requirements and the standards set forth in Sections 8107-1.7.4(a), (b), (c) or (d).

- a. **Within Space of *Single-Family Dwellings* and Accessory Structures:** One *ADU* and one *JADU* per lot is allowed if all the following standards are met:

- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.

- (2) Location of *ADU* and/or *JADU*:

- (a) The *ADU* or *JADU* is created within a portion of the existing or proposed space of a *single-family dwelling* and has exterior access from the proposed or existing *single-family dwelling*; or

- (b) The *ADU* is created within the existing space of an accessory structure, such as the conversion of garages and other accessory structures, either attached or detached from the primary dwelling. An existing accessory structure may include an expansion of not more than 150 square feet beyond its same physical dimensions, but such expansion shall be limited to accommodating ingress and egress to the *ADU*.

- (3) The side and rear *setbacks* comply with applicable Building and Fire Code requirements, even if the existing side and rear setbacks are legal non-conforming.

- (4) The *JADU* complies with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.

- b. **New Detached *ADU* with an Existing or Proposed *Single-Family Dwelling*:** One detached new construction *ADU* is allowed on a *lot* with a proposed or existing *single-family dwelling* and may be combined with a *JADU* if all the following standards are met:

- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.

- (2) The *ADU*'s side and rear yard *setbacks* are at least four feet.

- (3) The *ADU* does not exceed 850 square feet.

- (4) The *ADU*'s maximum building height above grade complies with the height limitations identified in Section 8107-1.7.5(d)(1).

- (5) The *JADU* complies with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.

- c. **ADUs in Existing Multifamily Dwelling Structures:** ADUs within portions of existing *multifamily dwelling* structures are allowed, and may be combined with detached ADUs pursuant to Section 8107-1.7.4(d), if all the following standards are met, even if the *multifamily dwelling* is legal nonconforming:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
  - (2) Location of ADU:
    - (a) The ADUs are created within portions of the existing *multifamily dwelling* structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. If there is no existing non-livable space within a *multifamily dwelling* structure, an ADU cannot be created pursuant to this Section 8107-1.7.4(c).
    - (b) The non-livable space used to create an ADU pursuant to this Section 8107-1.7.4(c) on a lot with mixed-uses shall be limited to the residential areas, and shall not include the areas used for commercial or other non-residential activities. Parking and storage areas for non-residential uses shall also be excluded from potential ADU development pursuant to this Section 8107-1.7.4(c).
  - (3) The maximum number of ADUs that may be created pursuant to this Section 8107-1.7.4(c) shall be at least one or the number of ADUs equal to up to 25 percent of the existing *multifamily dwelling* units, whichever is greater.
- d. **Detached ADUs with Existing or Proposed Multifamily Dwelling:** Up to two detached ADUs are allowed on *lots* with an existing or proposed *multifamily dwelling*, and may be combined with ADUs created within *multifamily dwellings* pursuant to Section 8107-1.7.4(c), if all the following standards are met, even if the *multifamily dwelling* is legal nonconforming:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
  - (2) The ADUs maximum height above grade complies with the height limitations identified in Section 8107-1.7.5(d)(1).
  - (3) New construction ADUs shall not exceed 1,200 square feet.
  - (4) The ADU's side- and rear-yard *setbacks* are at least four feet.
  - (5) Detached ADUs may be attached to each other, but must be detached from the existing or proposed *multifamily dwelling* and from other accessory structures on the lot.
- e. **No Zoning Clearance Required:** No Zoning Clearance or other land use entitlement is required pursuant to this Chapter for an ADU or JADU authorized under this Section 8107-1.7.4.
- f. **Not Subject to Development Standards in Section 8107-1.7.5:** ADUs that meet the requirements of Section 8107-1.7.4(a), (b), (c), or (d) and are entitled to a

building permit are not subject to the development standards of Section 8107-1.7.5, including size, *setback*, parking and *lot* coverage requirements.

**Sec. 8107-1.7.5 – Development Standards for ADUs Not Authorized under Section 8107-1.7.4**

*ADUs* that do not meet the standards under Section 8107-1.7.4 for approval by building permit shall be approved with a ministerial Zoning Clearance if the *ADU* meets Building Code and Fire Code requirements, the standards in this Section 8107-1.7.5 and other applicable zoning standards.

**a. Property Requirements:**

- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, CPD/CBD, OS, AE, or TP.
- (2) The *lot* has a proposed or existing *single-family* or *multifamily dwelling*.

**b. Maximum Number of ADUs and JADUs per Lot:** Each *lot* may have one *ADU* if the standards of this Section 8107-1.7.5 are met, and one *JADU* if the standards of Section 8107-1.7.6 are met.

**c. Parking Standards:**

- (1) No Parking Requirements: No parking standards apply for an *ADU* in any of the following instances:
  - (a) Where the *ADU* is located within one-half mile walking distance of public transit.
  - (b) Where the *ADU* is located within an architecturally and historically significant historic district.
  - (c) Where the *ADU* is part of the proposed or existing primary residence or an accessory structure.
  - (d) When on-street parking permits are required but not offered to the occupant of the *ADU*.
  - (e) When there is a car share vehicle, as defined by section 22507.1(d) of the Vehicle Code, located within one block of the *ADU*.
  - (f) When a permit application for an *ADU* is submitted with a permit application to create a new *single-family dwelling* or a new *multifamily dwelling* on the same lot, provided that the *ADU* or the parcel satisfies any of the criteria listed above in this Section 8107-1.7.5(c)(1).
- (2) Required Off-street Parking: Except as provided in Section 8107-1.7.5(c)(1), the following off-street parking standards shall apply:
  - (a) Number of Spaces. One covered or uncovered off-street parking space is required per *ADU* or per bedroom, whichever is less.
  - (b) Location of Spaces. Off-street parking may be provided as tandem parking on a driveway. Additionally, the parking space for an *ADU* may encroach into a required front and/or interior side *setback*, provided that:

- i. The long dimension of the space is parallel to the centerline of the nearest driveway on the *lot*; and
- ii. On *interior lots*, a minimum distance of three feet from the side *lot line* remains unobstructed by vehicles.

(3) No Off-Street Replacement Parking Required for Primary Residential Structure: When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an *ADU* or converted to an *ADU*, those off-street parking spaces do not need to be replaced for the primary dwelling. Additionally, no parking is required for a newly created *ADU* pursuant to Section 8107-1.7.5(c)(1)(c) above.

**d. Height:**

(1) The maximum allowed height for detached *ADUs* is as follows:

- (a) Maximum of 16 feet above grade on a lot with an existing or proposed *single-family* or *multifamily dwelling*; or
- (b) Maximum of 18 feet above grade on a *lot* with an existing or proposed *multifamily dwelling* with multiple stories; or
- (c) Maximum of 18 feet above grade if the *lot* has an existing or proposed *single-family* or *multifamily dwelling*, and is within one half-mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the Public Resources Code. An additional two feet in overall height is allowed to accommodate a roof pitch that is aligned with the roof pitch of the primary *dwelling unit*.
- (d) Detached *ADUs* may exceed the allowable height limits set forth in subsections (a) through (c) above if the *ADU* is set back at least 20 feet from all property lines, but the *ADU* shall not exceed the maximum allowed building height of the primary *dwelling unit* on the *lot*, pursuant to Article 6 of this Chapter.
- (e) Detached *ADUs* are limited to no more than two stories.

(2) The maximum allowed height for an attached *ADU* is 25 feet above grade or the maximum allowed building height of the primary dwelling pursuant to Article 6 of this Chapter, whichever is lower.

**e. Setbacks:**

- (1) No additional *setbacks* are required if any of the following are converted to an *ADU* or portion of an *ADU*: (a) an existing living area; (b) an existing accessory structure; or (c) a new structure constructed in the same building footprint and to the same dimensions as an existing structure. The provisions of Article 13 of this Chapter shall not apply in these situations. For purposes of this section, living area, as defined by Government Code section 65852.2(j)(4), means the interior habitable area of a *dwelling unit*, including basements and attics, but does not include a garage or any accessory structure.
- (2) All other new attached and detached *ADUs* shall have four-foot *setbacks* from the rear and side *lot lines*.

- f. **Minimum Lot Size:** There is no minimum *lot* size requirement for an *ADU* or *JADU*.
- g. **ADU Size for Attached and Detached ADUs:**
- (1) For *lots* that are 9,000 square feet or less, the maximum total floor area of an attached or detached *ADU* shall be 850 square feet if there is one bedroom or an efficiency unit; or 1,000 square feet if there is more than one bedroom; or
  - (2) For *lots* that are larger than 9,000 square feet, but less than 10 acres, the maximum total floor area of an attached or detached *ADU* shall be 1,200 square feet; or
  - (3) For *lots* that are 10 acres in size or larger, the maximum total floor area of an attached or detached *ADU* shall be 1,800 square feet.
  - (4) Covered patios, decks, and garages below the *ADU* are not included in the total floor area computation but are counted toward the maximum allowable square footage allowed for “accessory structures to dwellings” in Sec. 8105-4.
- h. **ADUs Within Space of Single-Family Dwellings:** One *ADU* per *lot* is allowed within a proposed or existing *single-family dwelling* if the applicable standards of this Section 8107-1.7.5 and the following standards are met:
- (1) The *ADU* is created within a portion of the existing or proposed space of a *single-family dwelling* and has independent exterior access;
  - (2) The *ADU* does not have internal access to the primary dwelling;
  - (3) The *ADU* does not exceed the size maximums for attached or detached ADUs set forth in Section 8107-1.7.5(g), as applicable; and
  - (4) The side and rear *setbacks* comply with applicable Building and Fire Code requirements.
- i. **Accessory Structures:**
- (1) No accessory structure shall be attached to a detached *ADU* unless the combined total floor area of the accessory structure and *ADU* does not exceed the allowable size of the *ADU* per Section 8107-1.7.5(g). This provision does not apply to *ADUs* built above a garage.
  - (2) An *ADU* attached to an accessory structure shall not have internal access to the accessory structure.
- j. **Limited Exception to Development Standards:** Notwithstanding any other minimum or maximum size for an *ADU*, size that may be limited based upon a percentage of the proposed or existing primary dwelling, or limits on *lot* coverage, floor area ratio, open space, front *setback*, and minimum *lot* size, for either attached or detached *ADUs*, an *ADU* that is up to 850 square feet with four-foot side and rear *setbacks* may be constructed in compliance with all other applicable development standards.



## **Sec. 8107-1.7.6 – JADU Requirements**

A *JADU* must comply with the following requirements:

**a. Number and Location:**

- (1) The subject *lot* is within one of the following single-family residential zones: R1; R2; RES; RPD; RA; RE; or RO.
- (2) One *JADU* is allowed per *lot*.
- (3) The *JADU* must be created within the walls of a proposed or existing *single-family dwelling*, including attached garages, which are considered within the walls of the existing *single-family dwelling*.
- (4) *Lots* with multiple detached *single-family dwellings* are not eligible to have a *JADU*.
- (5) A *JADU* is not allowed in a *multifamily dwelling*.
- (6) A *JADU* is not allowed in an accessory structure.

**b. Size:** The *JADU* shall not be larger than 500 square feet in total floor area.

**c. Kitchen:** The *JADU* must contain an efficiency *kitchen* that includes:

- (1) Cooking facility with appliances, and
- (2) A food preparation counter and storage cabinets.

**d. Entrance:** The *JADU* shall have a separate entrance from the main entrance to the proposed or existing *single-family dwelling*. An interior entry into the *single-family dwelling* is not required unless the *JADU* shares sanitation facilities with the *single-family dwelling*.

**e. Parking:**

- (1) When a *JADU* is created by the conversion of an attached garage, replacement parking for the primary residential structure is required to be provided. The replacement parking can be uncovered onsite parking and can be located in the *setbacks*, provided that:
  - (f) The long dimension of the space is parallel to the centerline of the nearest driveway on the *lot*; and
  - (g) On *interior lots*, a minimum distance of three feet from the side *lot line* remains unobstructed by vehicles.
- (2) Except as provided in Section 8107-1.7.6(e)(1), no additional parking is required for a *JADU*.

**f. Sanitation:** A *JADU* must either include separate sanitation facilities or share sanitation facilities with the *single-family dwelling*.

## **Sec. 8107-1.7.7 – ADU and JADU Application Processing and General Requirements**

### **a. Ministerial Permit Approval:**

- (1) Permit applications for an *ADU* or *JADU* that meet the requirements of this Section 8107-1.7 shall be considered and approved ministerially without discretionary review or a hearing.
- (2) Except for deviations processed and granted in accordance with Section 8107-37.3 (Deviations for Cultural Heritage Sites) and Section 8111-9 (Reasonable Housing Accommodations), or as required by state law, no variance to the standards or requirements of this Chapter is available for an *ADU* or *JADU*.

### **b. Type of Permit:**

- (1) Applications pursuant to Sections 8107-1.7.4 and 8107-1.7.6 shall be reviewed and approved with a building permit, if the applicable standards are met.
- (2) Applications pursuant to Section 8107-1.7.5 shall be reviewed and approved with a Zoning Clearance, if the applicable standards are met.

### **c. When Demolition Permit Required:** A demolition permit for a detached garage that is to be replaced with an *ADU* shall be reviewed with the application for the *ADU* and issued at the same time.

### **d. Nonconforming Zoning Violations:** Correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of an *ADU* shall not be a condition to ministerial approval of an *ADU* or *JADU* application.

### **e. Rentals, Owner Occupancy and Transfers:**

- (1) Rentals: An *ADU* and *JADU* may each be rented separately from the primary residence.
- (2) Rental Term: All *ADUs* and *JADUs*, and any portion thereof, that are rented shall be rented for terms that are longer than 30 consecutive days.
- (3) Owner Occupancy
  - (a) Lot with ADU: For a *lot* with an *ADU*, the owner of the *lot* does not have to occupy the primary residence or *ADU*. However, if a *single-family dwelling* has an *ADU* and a *JADU*, then the owner must occupy either the *JADU* or the remaining portion of the *single-family dwelling* in accordance with Section 8107-1.7.7(d)(3)(b).
  - (b) Lot with JADU: At the time of application for a *JADU*, the owner of the *lot* must reside in the *single-family dwelling*. Upon completion of construction of the *JADU*, the owner must occupy either the remaining portion of the *single-family dwelling* or the *JADU*. For purposes of this Section 8107-1.7.7(d)(3)(b), owner includes a beneficial owner when the property is owned by a trust or legal entity. Owner-occupancy, however, is not required if the owner is a governmental agency, land trust, or housing organization.

- (4) Sales and Transfers: Except as provided in Government Code section 65852.26, an *ADU* may not be sold or otherwise conveyed separately from the primary residence. *JADUs* may not be sold or transferred separately from the *single-family dwelling*.

f. **Deed Restriction:**

- (1) For ADUs: Upon approval of an *ADU*, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:
- (a) Rentals of the *ADU* must be for a term that is longer than 30 consecutive days; and
  - (b) Except as provided in Government Code section 65852.26, the *ADU* may not be sold or otherwise conveyed separately from the primary residence.
- (2) For JADUs: Upon approval of a *JADU*, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:
- (a) Rentals of the *JADU* must be for a term that is longer than 30 consecutive days;
  - (b) A prohibition on the sale of the *JADU* separate from the sale of the *single-family dwelling*, including a statement that the deed restriction may be enforced against future purchasers; and
  - (c) A restriction on the size and attributes of the *JADU* that conforms with Section 8107-1.7.6 and Government Code section 65852.22.

**Article 7, Section 8107-37.3 – Range and Approval of Allowed Deviations within Section 8107-37 – Cultural Heritage Sites** of the Ventura County Ordinance Code is hereby amended to read as follows:

**Sec. 8107-37.3 – Range and Approval of Allowed Deviations**

To advance the purpose outlined in Sec. 8107-37.1, deviations from various standards and regulations of this chapter may be granted as part of a Planned Development permit. Deviations “a” and “k” may only be granted by the Planning Commission. All others may be granted by the Planning Director or their designee. (AM. ORD. 4282 - 5/20/03; AM. ORD. 4577 – 3/9/21 (grammar))

- a. Minimum Lot Area - Sec. 8103-0 (Purpose and Establishment of Zones and Minimum Lot Areas), Sec. 8103-1 et seq. (Establishment of Alternative Minimum Lot Area by Suffix), Sec. 8106-1.1 and Sec. 8106-1.2;
- b. Permit Approval Level - Sec. 8105-4 (Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage

of significant historic structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;

- c. Permit Approval Level - Sec. 8105-5 (Permitted Uses in Commercial and Industrial Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage of structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- d. General Development Standards - Sec. 8106-1.1 (Development Standards for Uses and Structures in OS, AE, and R Zones); (AM. ORD. 4377 – 1/29/08)
- e. General Development Standards - Sec. 8106-1.2 (Development Standards for Uses and Structures in Commercial, Industrial, and Special Purpose Zones);
- f. Fences, Walls and Hedges - Sec. 8106-8.1 et seq.
- g. Accessory Dwelling Unit Standards - Sec. 8107-1.7 et seq. (*Accessory Dwelling Units and Junior Accessory Dwelling Units*); (AM. ORD. 4519-2/27/18)
- h. Parking Standards - Sec. 8108 et seq. (Parking and Loading Requirements); (AM. ORD. 4407 – 10/20/09)
- i. Landscaping Standards - Section 8106-8.2, Section 8108-5.14 and Section 8109-0.6 (Landscaping); (AM. ORD. 4407 – 10/20/09; AM. ORD. 4577 – 3/9/21)
- j. Signage - Sec. 8110-4a (Prohibited portable freestanding signs), Sec. 8110-4i (Prohibited Projecting Signs), Sec. 8110-5-2 et seq (Location); and
- k. Non-conforming Uses and Structures - Sec. 8113-5.2 (Uses Within Structures Subject to Amortization), Sec. 8113-5.2.1 (Expansion and Change of Use Prohibited), Sec. 8113-5.3 et seq (Uses Not Amortized), Sec. 8113-6.1 (Destruction, Uses Not Amortized), Sec. 8113-6.2 (Destruction, Uses Amortized), Sec. 8113-7 (Additional Use), Sec. 8113-8 (Use of Non-conforming Lots).

## Section 4

# ARTICLE 8:

## PARKING AND LOADING REQUIREMENTS

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**Article 8, Section 8108-4.7 – Table of Parking Space Requirements by Land Use** of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated residential land uses:

### **Sec. 8108-4.7 – Table of Parking Space Requirements by Land Use**

The table below indicates the number of required off-street motor vehicle and bicycle parking spaces that shall be provided for various land uses. For non-residential land uses, the number of motor vehicle parking spaces set forth in the table, plus or minus 10 percent of the total, represents the minimum required and the maximum allowed number of spaces, unless varied pursuant to Section 8108-4.8 below.

For residential land uses the number of motor vehicle parking spaces set forth in the table represents the minimum required number of spaces, unless varied pursuant to Section 8108-4.8 below. The number of motor vehicle parking spaces required in this section is intended to address the needs of residents, employees and regular users of an establishment. The number is not intended to reflect the need for parking large delivery trucks, vans or buses; storage of vehicle inventory; or other specialty parking needs related to the operation of specific land uses.

The Director has the authority to determine the parking space requirements for any land use not specifically listed based on the requirements for the most comparable land use.

<b>LAND USE</b>	<b>MOTOR VEHICLE SPACES REQUIRED</b>	<b>BICYCLE SPACES REQUIRED</b>
<b>RESIDENTIAL LAND USES</b>	<b>MINIMUM REQUIRED</b>	
Accessory Dwelling Units	1 covered/uncovered space (in addition to the spaces required for the primary dwelling unit)  No additional parking is required for accessory dwelling units that meet the provisions of Sec. 8107-1.7.4 or Sec. 8107-1.7.5(c)(1).	
Junior Accessory Dwelling Units	No parking is required for a Junior Accessory Dwelling Unit  Replacement parking for the primary residential structure is required pursuant to Sec. 8107-1.7.6(e)(1), if applicable.	
Single Family and Two-Family Dwellings <sup>1</sup>		
<i>1-4 Bedrooms (per unit)</i>	2 covered <sup>2</sup> spaces	
<i>5 Bedrooms (per unit)</i>	3 spaces (2 shall be covered <sup>2</sup> )	
<i>6 or More Bedrooms (per unit)</i>	4 spaces, (2 shall be covered <sup>2</sup> )	

<sup>1</sup> Pursuant to Sec. 8107-1.7.5(c)(3), when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an *ADU* or converted to an *ADU*, those off-street parking spaces do not need to be replaced.

<sup>2</sup> Except that on parcels larger than 1 acre located in OS, AE, RA, RE, RO, and TP zones, parking may be uncovered.

**Section 5**

**ARTICLE 11:  
ENTITLEMENTS – PROCESS AND PROCEDURES**

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**Article 11, Section 8111-7.6 – Accessory Dwelling Unit Procedures within Sec. 8111-7 - Appeals** of the Ventura County Ordinance Code is hereby amended to read as follows:

**Sec. 8111-7.6 - Accessory Dwelling Unit and Junior Accessory Dwelling Unit Procedures**

Notwithstanding any other provisions of this Article:

- a. No public hearings shall be conducted on applications for accessory dwelling units or junior accessory dwelling units under Sections 8105-4, 8107-1.7, and 8108-4.7. (AM. ORD. 4407 – 10/20/09)
- b. Decisions on accessory dwelling units and junior accessory dwelling units are final County decisions when rendered and are not subject to appeal.

**Section 6**

**ARTICLE 19:  
SPECIFIC STANDARDS FOR AREA PLANS**

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**Article 19, Section 8119-1 – Old Town Saticoy Development Code** of the Ventura County Ordinance Code is hereby amended to address accessory dwelling units and junior accessory dwelling units as follows:

See following pages



## PERMITTED USES IN OLD TOWN SATICOY, BY ZONE

	TC	R/MU	RES	IND
<b>WAREHOUSING AND STORAGE, INDOOR ONLY</b>				PD
Building Materials, Movers' Equipment, etc.				PD
Ministorage, with or without RV Storage *				CUP
Warehousing and Storage, with outdoor storage				CUP
<b>WASTE HANDLING, WASTE DISPOSAL AND RECYCLING FACILITIES *</b>				
Recyclables Collection Centers*				ZC
Reuse Salvage Facilities (Indoor only)				CUP
Temporary Collection Activities *	ZC	ZC	ZC	ZC
Waste Collection And Processing Activities To Mitigate An Emergency *	ZC	<i>Pursuant to Sec. 8107-36.3.12</i>		ZC
<b>WASTEWATER/SEWAGE TREATMENT FACILITIES</b>				
Individual Sewage Disposal Systems				
On-Site Wastewater Treatment Facilities				
<b>WATER PRODUCTION, STORAGE, TRANSMISSION, AND DISTRIBUTION FACILITIES</b>				
4 Or Fewer Domestic Service Connections (Privately Operated)	ZC	ZC	ZC	ZC
5 Or More Domestic Service Connections (Privately Operated)	PD	PD	PD	PD
Well Drilling For Use Only On Lot Of Well Location	E	E	E	E
<b>WHOLESALE TRADE</b>				CUP
<b>B] ACCESSORY USES AND STRUCTURES</b>				
<b>ACCESSORY USES AND STRUCTURES</b>	ZC	ZC	ZC	ZC
Keeping of Animals				
Pet animals <i>Per Sec. 8107-2.4</i>	E	E	E	
Security animals ( <i>See Sec. 8107-2.4.4</i> )	E			E
More Animals Than Permitted	CUP			CUP
Youth projects *			ZC-W	
Dwellings:				
Buildings For Human Habitation:				
<i>Live/Work Units</i>	PD			
For Caretaker (with or without pets)				CUP
For Superintendent Or Owner	CUP	PD		CUP
Accessory Dwelling Unit (ADU)* (AM. ORD. 4519 - 2/27/18)		<i>Pursuant to Sec. 8107-1.7</i>		
Junior Accessory Dwelling Unit (JADU)*			<i>Pursuant to Sec. 8107-1.7</i>	

E = Exempt

ZC = Zoning Clearance<sup>1</sup>ZC-W = Zoning Clearance with signed waivers<sup>1</sup>PD = Planned Development Permit<sup>1</sup>CUP = Conditional Use Permit<sup>1</sup>

Not allowed

Exempt

Approved by Planning Director or Designee

Approved by Planning Commission

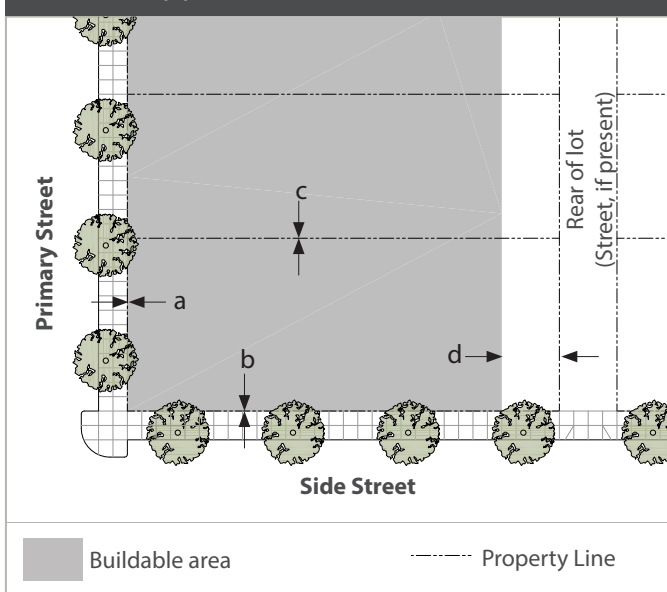
Approved by Board of Supervisors

\* There are specific regulations for this use; see Article 7.

<sup>1</sup> Includes a review for conformance with the Old Town Saticoy Development Code.

1. Buildings shall be located within the building site per [Table 1.3.2\(a\)](#) below. Setbacks are measured as per Sec. 8106-4.
2. See [Sec. 8119-1.4](#) (Building Type Standards) for allowed building types, minimum and maximum lot width and depth dimensions, and applicable design requirements.
3. Corner lots along L.A. Avenue shall include ground-floor commercial retail facing L.A. Avenue.
4. See [Sec. 8119-1.8](#) for additional requirements.
5. Outdoor uses (such as dining) must be located within the property line.

### TABLE 1.3.2(a) BUILDING PLACEMENT STANDARDS



PRIMARY BUILDING		MIN.	MAX.
a	Primary Street Setback <sup>1</sup>	10 ft.	20 ft. <sup>2</sup>
b	Side Street Setback <sup>1</sup>	5 ft.	15 ft. <sup>2</sup>
c	Side Setback	5 ft.; 8 ft. for three story buildings	–
d	Rear Setback	10 ft.	–

## ACCESSORY BUILDING

Pursuant to Sec. 8107-1.7, an accessory dwelling unit (ADU) shall be allowed on a lot zoned R/MU with an existing or proposed single-family or multifamily dwelling.<sup>3</sup> In all other instances, no detached habitable Accessory Buildings are allowed within the R/MU Zone. However, an attached habitable Accessory Dwelling for a Superintendent or Owner is allowed (See [Sec. 8119-1.4.10](#)).

[1] Primary or Side Street setbacks to be landscaped or paved as per [Sec. 8119-1.4.2\(e\)](#).

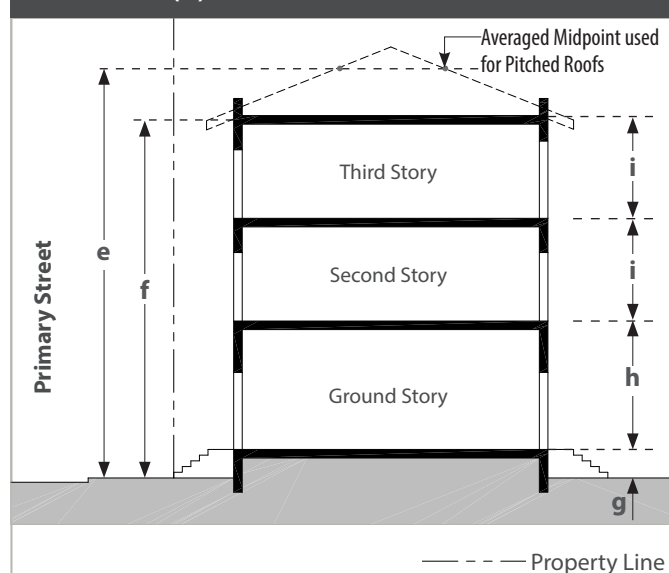
[2] Exceptions are available for outdoor uses (such as dining, landscaping, etc.)

[3] See **Sec. 8119-1.3.3(a) and (b)** for building placement and building profile standards for ADUs. (AM. ORD. 4519 - 2/27/18)

### b. Building Profile

1. Building heights shall comply with the standards listed in [Table 1.3.2\(b\)](#), and are measured as per [Sec. 8119-1.8.2](#). Floor heights are measured floor to floor.
2. The maximum height of buildings with flat roofs shall include parapets and roof decks.
3. Chimneys and other architectural features may project beyond the maximum building height as allowed by the California Building Code and Sec. 8106-7.

### TABLE 1.3.2(b) BUILDING PROFILE STANDARDS



PRIMARY BUILDING		MIN.	MAX.
e	Building height (stories)	1	3
	Building height (ft.) for pitched roofs	–	50
	Building height (ft.) for flat roofs	–	45
f	Building height (ft.) to top-of-plate	16	40
g	Ground floor level above sidewalk (ft.)		
	Nonresidential	0	2
	Residential	0	2
h	Ground story floor to floor height (ft.)		
	Nonresidential	12	30
	Residential	12	20
i	Upper story floor to floor height (ft.)	10	15

## ACCESSORY BUILDING

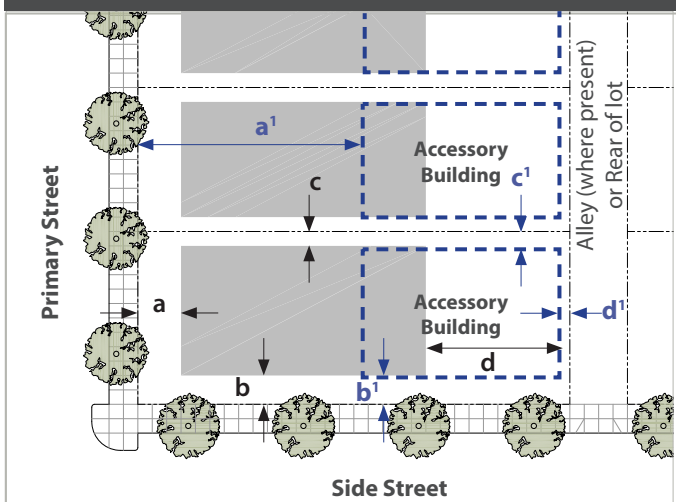
The height of the attached Accessory Buildings shall not exceed the height of the *Primary Building*. For ADUs, however, the maximum building height shall be pursuant to Sec. 8107-1.7.

### Sec. 8119-1.3.3 - Residential (RES) Zone

#### a. Building Placement (AM. ORD. 4519 - 2/27/18)

- Buildings, Accessory Dwelling units (ADU) pursuant to Sec. 8107-1.7.5, and other habitable/non-habitable accessory buildings shall be located within the building site per [Table 1.3.3\(a\)](#) below, except that setbacks for ADUs shall be consistent with Sec. 8107-1.7.5. Setbacks are measured as per Sec. 8106-4.
- See [Sec. 8119-1.4](#) (Building Type Standards) for allowed building types, minimum and maximum lot width and depth dimensions, and applicable design requirements.
- See [Sec. 8119-1.8](#) for additional requirements.
- For all other applicable standards regarding ADUs, see Sec. 8107-1.7.

**TABLE 1.3.3(a) BUILDING PLACEMENT STANDARDS**



PRIMARY BUILDING		MIN.	MAX.
<b>a</b>	Primary Street Setback <sup>1</sup>	15 ft. or prevailing setback for block length	20 ft.
<b>b</b>	Side Street Setback <sup>1</sup>	10 ft.	–
<b>c</b>	Side Setback	5 ft.	–
<b>d</b>	Rear Setback	10 ft.	–
ACCESSORY BUILDING		MIN.	MAX.
<b>a¹</b>	Primary Street Setback <sup>1</sup>	Locate on Rear 40% of lot	
<b>b¹</b>	Side Street Setback <sup>1,3</sup>	10 ft.	–
<b>c¹</b>	Side Setback <sup>2,3</sup>	5 ft.	–
<b>d¹</b>	Rear Setback <sup>2,3</sup>	5 ft.	–

[1] Primary and Side Street setbacks shall be landscaped.

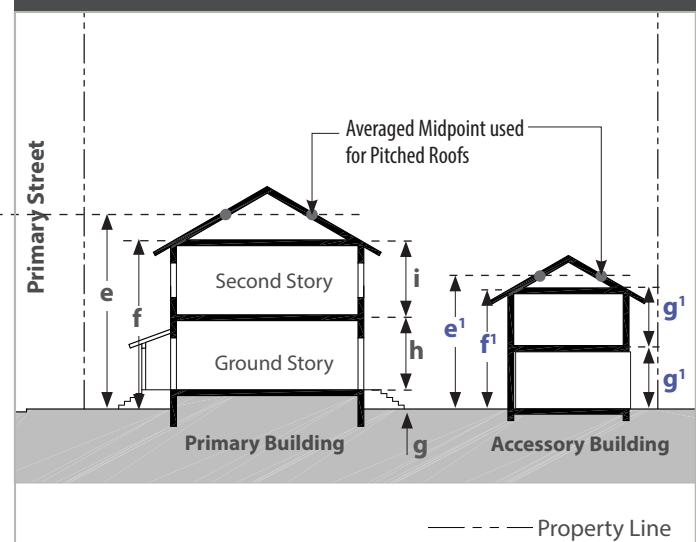
[2] An exception is allowed for non-habitable accessory buildings where the minimum side and rear setback can be 3 ft. (Per Sec. 8106-5.1).

[3] Minimum setbacks for ADUs shall be pursuant to Sec. 8107-1.7.

#### b. Building Profile (AM. ORD. 4519 - 2/27/18)

- Building heights shall comply with the standards listed in [Table 1.3.3\(b\)](#) below and are measured as per [Sec. 8119-1.8.2](#). Floor heights are measured floor to floor.
- The maximum height of buildings with flat roofs shall include parapets and roof decks.
- Chimneys and other architectural features may project beyond the maximum building height as allowed by the California Building Code and Sec. 8106-7.

**TABLE 1.3.3(b) BUILDING PROFILE STANDARDS**



PRIMARY BUILDING		MIN.	MAX.
<b>e</b>	Building height (stories)	1	2
<b>f</b>	Height to top-of-plate (ft.)	–	35
<b>g</b>	Ground floor level above sidewalk (ft.)	0	3
<b>h</b>	Ground story height (ft.)	9	12
<b>i</b>	Upper story height (ft.)	9	12
ACCESSORY BUILDING		MIN.	MAX.
<b>e¹</b>	Building height (stories)	1	2¹
	Building height (ft.) <sup>2,3</sup>	–	25
<b>f¹</b>	Height to top-of-plate (ft.)	–	20
<b>g¹</b>	Floor height (ft.)	9	10

[1] Only allowed if it is: (a) a 2-story ADU, or (b) an ADU located over a non-habitable accessory building.

[2] Building height of Accessory Building shall not exceed the height of the Primary Building.

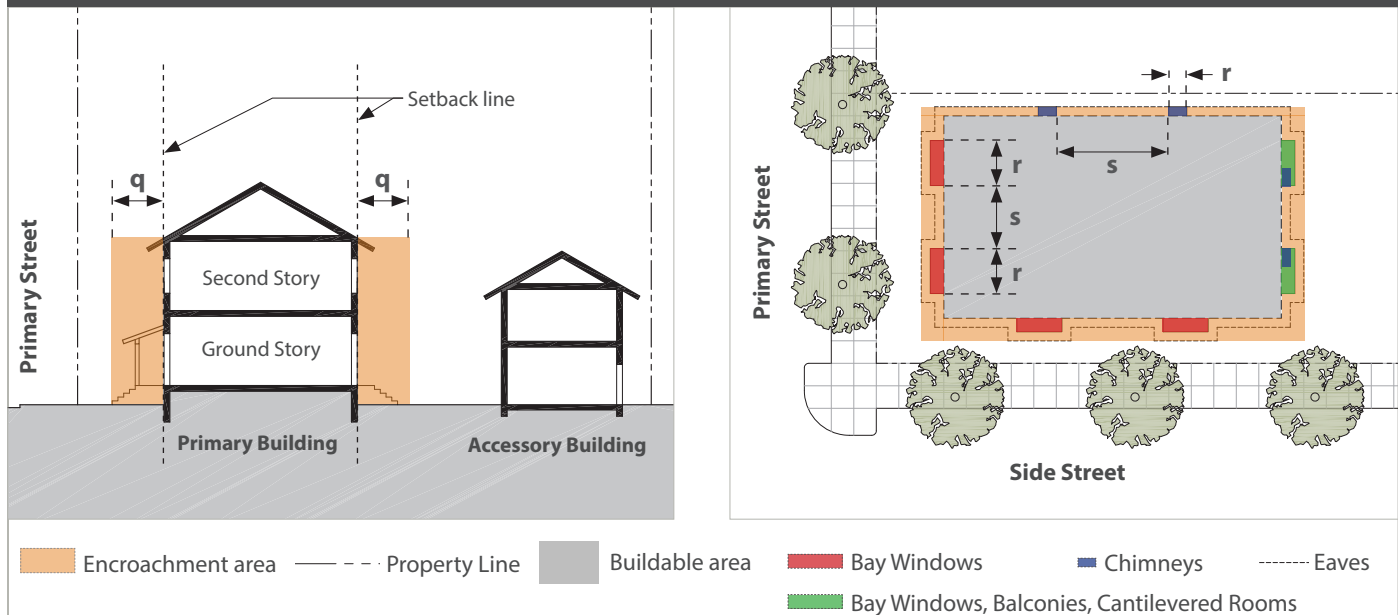
[3] Maximum building height for ADUs shall be pursuant to Sec. 8107-1.7.

### Sec. 8119-1.3.3 - Residential (RES) Zone (contd.)

#### e. Building Encroachments

1. Permitted *frontage* types per [Sec. 8119-1.5](#) (Frontage Type Standards) may encroach into setbacks as identified in [Table 1.3.3\(e\)](#) below.
2. Architectural elements, including bay windows, balconies (covered or uncovered), chimneys, eaves, and signage may encroach into setbacks as identified in [Table 1.3.3\(e\)](#) below. As part of the main building, cantilevered rooms are also allowed to encroach.
3. No encroachments shall be permitted within the public right-of-way.
4. Maximum dimensions of architectural elements, including bay windows, balconies (covered or uncovered), cantilevered rooms, chimneys, and eaves are indicated in [Table 1.3.3\(e\)](#) below. See [Sec. 8119-1.5](#) (Frontage Type Standards) for dimensions of allowed *frontage* types and [Sec. 8119-1.6](#) (Signage Standards) for dimensions of allowed signage types.
5. See following sections for allowances: Sec. 8106-5 for fire escapes and open unenclosed stairways (Sec. 8106-5.6); depressed ramps (Sec. 8106-5.8); uncovered, unenclosed landing and porches (Sec. 8106-5.9); and decks (Sec. 8106-5.10).

**TABLE 1.3.3(e) BUILDING ENCROACHMENT STANDARDS**



#### BUILDING ENCROACHMENT STANDARDS

ENCROACHMENT TYPE	MAXIMUM ENCROACHMENT (q)				MAX. LENGTH		MIN. DISTANCE BETWEEN ENCROACHMENTS (s)
	FRONT	SIDE STREET	SIDE YARD	REAR YARD	PER INDIVIDUAL ENCROACHMENT (r)	ALL ENCROACHMENTS COMBINED	
Bay Windows <sup>1</sup>	3 ft.	3 ft.	0 ft.	3 ft.	12 ft.	20 ft. or 45% of façade length, whichever is greater	8 ft.
Balconies <sup>2</sup>	3 ft.	3 ft.	0 ft.	3 ft.			
Cantilevered rooms <sup>2</sup>	0 ft.	0 ft.	0 ft.	2 ft.			
Chimneys	2 ft.	2 ft.	2 ft.	2 ft.	4 ft.	16 ft.	8 ft.
Eaves	2 ft. <sup>3</sup>	2 ft. <sup>3</sup>	2 ft.	2 ft. <sup>3</sup>	n/a	100% of façade length	n/a
Porch, Stoop	5 ft.	5 ft.	2 ft.	2 ft.	See <a href="#">Sec. 8119-1.5.4</a> and <a href="#">Sec. 8119-1.5.5</a>		

[1] Bay windows are allowed only on the ground floor.

[2] Balconies and cantilevered rooms are allowed only on second floor.

[3] Eaves may encroach up to 5 feet into front, rear and side street setback when extending from a bay window, covered balcony, or cantilevered room.

## Sec. 8119-1.4 - Building Type Standards

### Sec. 8119-1.4.1 - Allowable Building Types by Zone

A parcel may only be developed with a building type allowed by this Section. Allowable building types for each zone in Old Town Saticoy are shown in [Table 1.4.1](#) below. Section references in the table indicate the location for Building Type standards.

BUILDING TYPES	ZONE			
	TC	R/MU	RES	IND
Commercial/Mixed-Use Building	Sec. 8119-1.4.3	Sec. 8119-1.4.3		Sec. 8119-1.4.3
Courtyard Building	Sec. 8119-1.4.4	Sec. 8119-1.4.4		
Townhouse		Sec. 8119-1.4.5		
Small Apartment Building		Sec. 8119-1.4.6		
Triplex and Quadplex		Sec. 8119-1.4.7	Sec. 8119-1.4.7	
Single-Family House and Duplex		Sec. 8119-1.4.8 <sup>2</sup>	Sec. 8119-1.4.8	
Industrial Building				Sec. 8119-1.4.9
Accessory Dwellings (habitable) <sup>1</sup>	Sec. 8119-1.4.10	Sec. 8119-1.4.10	Sec. 8119-1.4.10	Sec. 8119-1.4.10
Accessory Structures (non-habitable)			Sec. 8119-1.4.11	

[1] There are several types of accessory, habitable buildings:

- Accessory Dwelling Units, which are allowed in the R/MU and RES zones, and Junior Accessory Dwelling Units, which are allowed in the RES zone, pursuant to Sec. 8107-1.7 (AM. ORD. 4519 - 2/27/18), and
- Caretaker dwelling units and those for Superintendent/Owner, which are allowed in the TC, R/MU, and IND zones.

[2] Duplexes are allowed in the R/MU zone when only a 3/4" water meter is available.

### Sec. 8119-1.4.2 - Requirements for all Building Types

See [Sec. 8119-1.4.3 through Sec. 8119-1.4.11](#) for detailed Building Type standards.

#### a. Building Size, Massing and Materials

All *Principal* and *Secondary* uses shall be conducted within a completely enclosed building, unless the use is specifically identified as an outdoor use or is one which must be located outdoors in order to function.

1. **Corner Lots:** When a building is located on a corner lot, the *Primary* and *Side Street* *façades* shall utilize the same materials and finishes.
2. **Street-Facing Façades:** In order to ensure that building size and massing is consistent with the small-town character of Old Town Saticoy:
  - i. The length of *façade* shall be limited to the standards in [Tables 1.4.3. through 1.4.11.](#)
  - ii. If the *façade* length exceeds 100 feet, the *façade* shall be visually broken up into multiple vertical segments (Also see [Sec. 8119-1.4.2\(a\)\(3\). Building Façades](#)).



Example of a commercial building that breaks a long façade into multiple vertical segments.

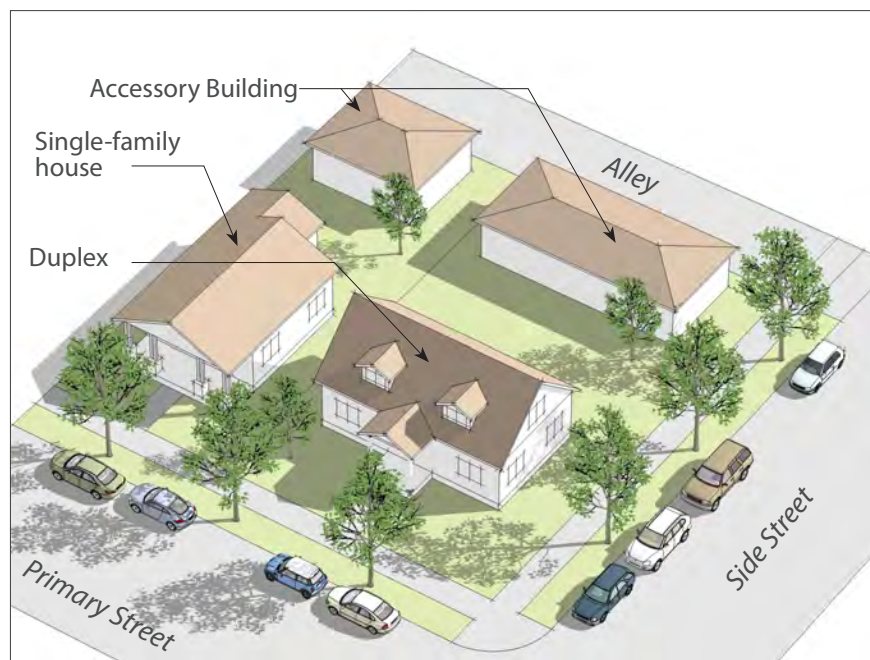


## Sec. 8119-1.4.8 - Single-Family House and Duplex

Single-Family Houses and Duplexes are “house-form” buildings that are surrounded on all four sides by setbacks (front yard, side yards, rear yard). Single-Family Houses contain only one unit. Duplexes contain two dwelling units, which can be organized side-by-side or vertically (top/bottom units). On-site open space is provided by a rear yard. All Single-Family and Duplex Buildings shall meet the standards listed in [Table 1.4.8](#).

Habitable and non-habitable Accessory Structures such as accessory dwelling units, garages, and storage rooms may be located on a single-family lot or a multifamily lot per the requirements of [Tables 1.3.3\(a\) to 1.3.3\(e\)](#), and Sec. 8107-1.7. For Building Type Standards for habitable and non-habitable Accessory structures, see [Sec. 8119-1.4.10 and Sec. 8119-1.4.11](#)). For additional Accessory Dwelling Unit and Junior Accessory Dwelling Unit requirements, see Sec. 8107-1.7.

(AM. ORD. 4519 - 2/27/18)



*Single-Family House (left) and Duplex (right) Building Types with detached garages shown in back yard along alleyway.*



*Illustrative Photo of Single-Family House*



*Illustrative Photo of Single-Family or Duplex dwelling*



## Sec. 8119-1.4.10 - Accessory Dwellings (and other habitable structures)

(AM. ORD. 4507/4509 - 3/14/17 (expired 3/14/18);  
AM. ORD. 4519 - 2/27/18)

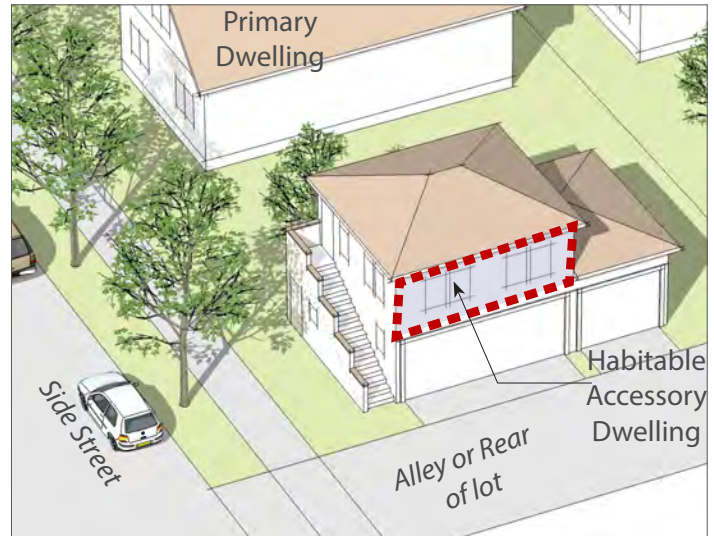
Accessory dwellings share the lot with a single-family or multifamily dwelling (or other *principal use*), and shall be smaller than the *principal* dwelling and located at the rear of the lot (See [Table 1.3.3\(a\)](#)) in one of the following configurations:

### a. Accessory Dwellings:

These types of dwellings include, but are not limited to, Accessory Dwelling Units (ADUs) in the R/MU and RES zones, Junior Accessory Dwelling Units (JADUs) in the RES zone, and *live/work units*, Caretakers Dwelling units, or units for Superintendent or Owner (as permitted by [Sec. 8119-1.2](#)) in the TC, R/MU and IND zones. In general, these units include sanitation facilities (i.e. toilet, and shower or bathtub) or a kitchen, or both, and can be attached to the *principal* dwelling or a garage, but cannot have internal access to the *principal* dwelling or garage. Apply Sec. 8107-1.7 for all other requirements related to ADUs and JADUs.

### b. Other habitable accessory structures:

An attached or detached habitable dwelling located above or beside a non-habitable accessory building (such as garage, or storage shed). Uses for these structures include, but are not limited to, artists studios, workshops and workout rooms. This type of structure shall not include bathing facilities or kitchens, and has no internal access to the *principal use*. Habitable accessory structures are not intended as dwelling units.



A habitable Accessory Dwelling Type configured as an accessory dwelling unit on top of a garage, detached from the primary building.

Multiple habitable accessory structures are allowed on one lot, but can include only the number of ADUs and JADUs as specified in Sec. 8107-1.7. All structures shall comply with all pertaining zone standards (setbacks, lot coverage, etc). All Accessory Buildings shall meet the standards listed in [Table 1.4.10](#).



Illustrative Photo of a habitable Accessory Dwelling unit located over a garage (a two-story configuration).



Illustrative Photo of a habitable Accessory Dwelling located behind the principal dwelling (a one-story configuration).

TABLE 1.4.10. ACCESSORY DWELLINGS (AND OTHER HABITABLE STRUCTURES)				
STANDARD	ZONE			
	TC	R/MU	RES	IND
1. LOT SIZE <sup>3</sup>				
A. Width	50 ft. min.			
B. Depth	100 ft. min.			
C. Min. Lot Size (SF)	As determined by the PD or CUP for the use on site		n/a	As determined by the PD or CUP for the use on site
2. BUILDING SIZE AND MASSING <sup>3</sup>				
A. Height (max.)	1 story / 15 ft.	1 story / 15 ft.	2 stories / 25 ft. ; 1 story / 15 ft.	1 story / 15 ft.
B. Length along alley	30 ft. max.	n/a	30 ft. max.	n/a
C. Length along side yard	20 ft. max.			
D. Building and Unit size for Accessory Dwellings (SF) <sup>1,2</sup>	Caretakers, and Superintendent/Owners: 700 SF max. building footprint; Dwelling size: 400 SF min. to 700 SF max		n/a	Same as TC and R/MU
3. PEDESTRIAN ACCESS FROM PRIMARY OR SIDE STREET				
A. Internal lots	Side yard connected to a Primary Street; or rear yard connected to an alley	Side yard connected to a Primary Street	Side yard connected to a Primary Street; or rear yard connected to an alley	Side yard connected to a Primary Street
B. Corner lots	From Side street, required			
4. PARKING ACCESS <sup>4</sup>				
A. Lot with alley	From alley	n/a	From alley	n/a
B. Corner lot without alley	Min. 12 ft. wide driveway connected to a Side Street			
C. Internal lot without alley	Min. 12 ft. wide driveway connected to a Primary Street, located as close to side yard property line as possible.			
5. PARKING TYPE				
A. Type	Surface lot, garage, carport, or open			
6. OPEN SPACE AND LANDSCAPE				
A. Side Street Setbacks	Landscaping required in Side Street setback			
B. Private Open Space	n/a	<ul style="list-style-type: none"><li>Ground floor units: Rear/side yard; min. size: 80 SF.</li><li>Balcony (for 2nd story unit only): min. size: 40 SF with min. dimensions 5 ft. x 8 ft.</li></ul>		n/a
C. Common Open Space	10 ft. min. width along rear or side yard facing accessory structure			
7. FRONTAGE				
A. Ground Floor	No frontage type required (may include Stoop in RES zone - See <a href="#">Sec. 8119-1.5.4</a> ); Street- and alley-facing windows required.			
B. Upper Floors	Street- and alley-facing windows required			

[1] Refers to Gross Floor Area.

[2] Multiple accessory structures are allowed on one lot, but shall not exceed a cumulative gross floor area of 2,000 SF, except for ADUs allowed pursuant to Sec. 8107-1.7. This may include a combination of structures identified in [Sec. 8119-1.4.10\(b\)](#) and [Sec. 8119-1.4.11](#). See Sec. 8107-1.7 for the maximum allowable number and unit size for ADUs and JADUs per lot.

[3] These lot size, building size and massing requirements do not apply to ADUs. See Section 8107-1.7.

[4] Driveway standards may be adjusted as per requirements of the Ventura County Fire Prevention District.



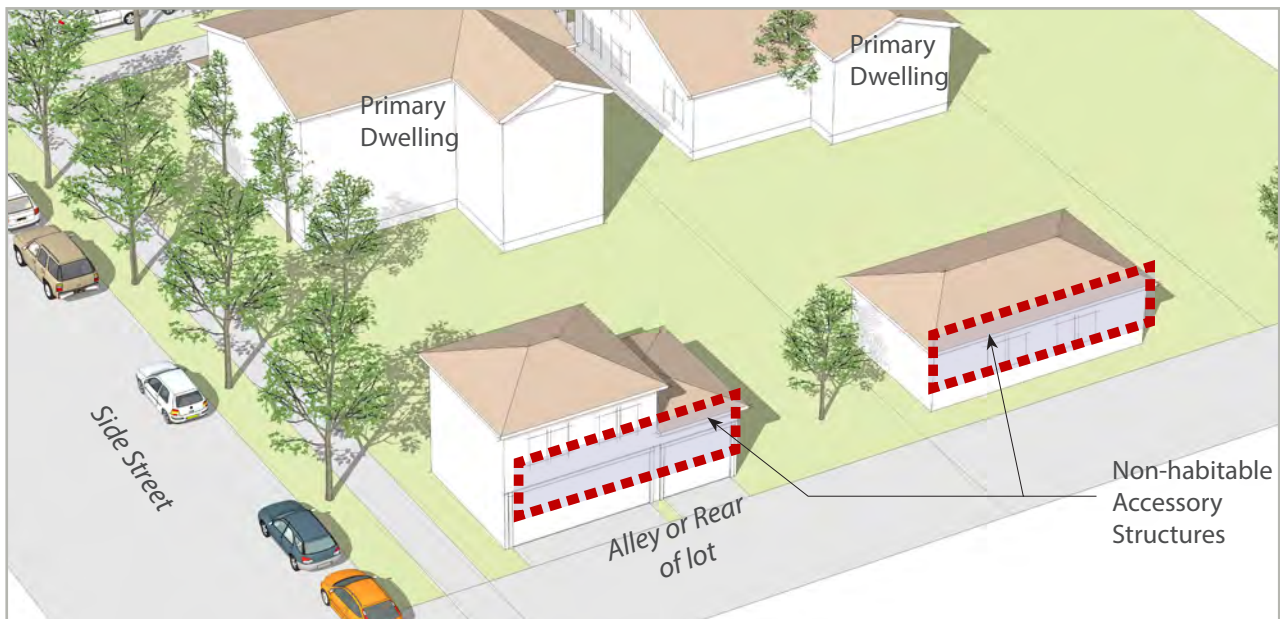
## Sec. 8119-1.4.11 - Accessory Structure (Non-habitable)

(AM. ORD. 4519 - 2/27/18)

Accessory Structures which are non-habitable include separate buildings that share a lot with a street-facing single-family house, duplex, *triplex* or *quadplex*. These Accessory Structures are one-story and include a detached garage, storage shed, or similar uses. Non-habitable accessory structures must be smaller than the *principal* dwelling and are located at the rear of the lot.

All non-habitable Accessory Structures shall meet the standards listed in [Table 1.4.11](#).

*Note: An accessory dwelling unit may be located above or beside a garage, as long as there is no internal access. (Refer to Sec. 8107-1.7.5(i))*



A non-habitable Accessory Building Type configured as the following:

(on left): as a garage, detached from the primary building, with a habitable accessory dwelling unit located on top; and (on right) as a single-story detached structure such as a garage, workshop, storage shed, etc.



*Illustrative Photo of a ground-floor non-habitable garage, configured with a habitable accessory unit above it with no internal access and detached from the principal dwelling.*



*Illustrative Photo of a one-story non-habitable Accessory Structure (storage shed) located behind the principal dwelling.*

## Section 7

If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Ventura County Board of Supervisors hereby declares that it would have passed and adopted this ordinance, and each and all provisions hereof, irrespective of the fact that any one or more provisions may be deemed invalid or unconstitutional.

## Section 8

This ordinance shall become effective and operative 30 days after adoption.

PASSED AND ADOPTED this \_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES: Supervisors \_\_\_\_\_

NOES: Supervisors \_\_\_\_\_

ABSENT: Supervisors \_\_\_\_\_

\_\_\_\_\_  
CHAIR, BOARD OF SUPERVISORS

ATTEST:

DR. SEVET JOHNSON

Clerk of the Board of Supervisors

County of Ventura, State of California

By \_\_\_\_\_

Deputy Clerk of the Board



## WATERSHED PROTECTION

### MEMORANDUM

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**DATE:** January 19, 2023

**TO:** Dave Ward, Planning Director, RMA-Planning Division  
Ruchita Kadakia, Planning Manager, RMA-Planning Division

**FROM:** *JM* James Maxwell, Groundwater Specialist, PWA-WP Groundwater Resources Section

**VIA:** *KL* Kim Loeb, Groundwater Manager, PWA-WP Groundwater Resources Section

**CC:** Glenn Shephard, Director, PWA – Watershed Protection

**SUBJECT:** Arroyo Santa Rosa Valley and Tierra Rejada Basins – Nitrate Concentration Trends in Sampled Groundwater from 2017 to 2021

The Ventura County Public Works Agency – Watershed Protection, Water Resources Division, Groundwater Resources Section (GRS) has prepared this memorandum documenting Nitrate (as NO<sub>3</sub>) concentrations and trends in groundwater sampled annually from wells in the Arroyo Santa Rosa Valley (ASRV) Basin and the Tierra Rejada Basin between Fall 2017 and Fall 2021. Sample data from 2016 for State Well Number (SWN) 02N20W25C06S and from 2015 for SWN 02N20W25C07S were included with the data set for the ASRV Basin. Trends are plotted with the State Maximum Contaminant Level (MCL) for drinking water of 45 milligrams per liter (mg/L) of Nitrate-NO<sub>3</sub> (equivalent to 10 mg/L Nitrate-N).

Water quality samples collected from groundwater wells in the ASRV Basin are shown on the map in **Figure 1**. Annual groundwater sampling dates and respective Nitrate concentrations are listed in **Table 1**. **Figure 2** is a series of trendlines of Nitrate concentrations in groundwater from these wells during the annual collection period from 2017 to 2021. As shown in **Table 1** and **Figure 2**, Nitrate-NO<sub>3</sub> concentrations exceed the MCL in groundwater samples collected from six of the seven wells monitored in the Basin.

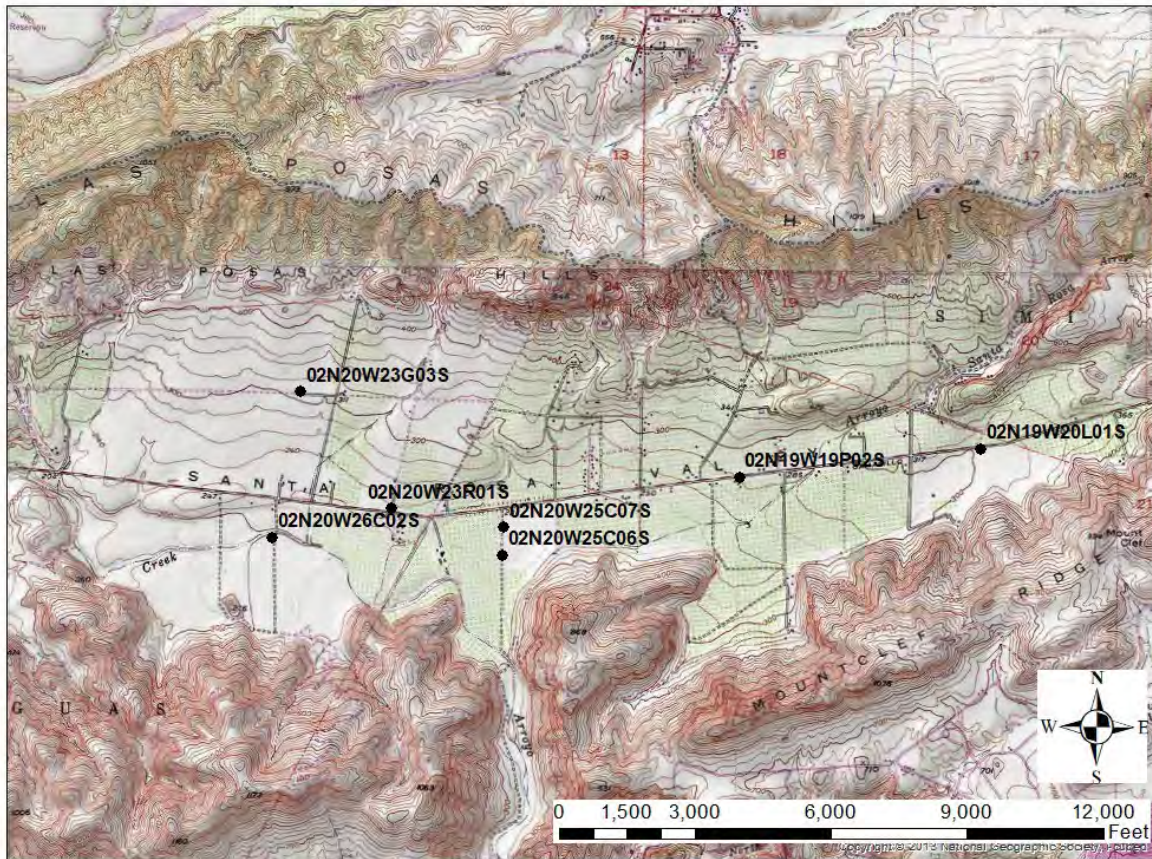
Water quality samples collected from groundwater wells in the Tierra Rejada Basin are shown on the map in **Figure 3**. Annual groundwater sampling dates and respective Nitrate concentrations are listed in **Table 2**. **Figure 4** is a series of trendlines of Nitrate concentrations in groundwater from these wells during the annual collection period from 2017 to 2021. As shown in **Table 2** and **Figure 4**, Nitrate-NO<sub>3</sub> concentrations exceed the MCL in groundwater samples collected from one of the seven wells monitored in the Basin.



# Arroyo Santa Rosa Valley and Tierra Rejada Basins – Nitrate Data and Concentration Trends

January 19, 2023

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**Figure 1:** Map of groundwater wells sampled annually in the Arroyo Santa Rosa Valley Basin.



Arroyo Santa Rosa Valley and Tierra Rejada Basins – Nitrate Data and Concentration Trends

January 19, 2023

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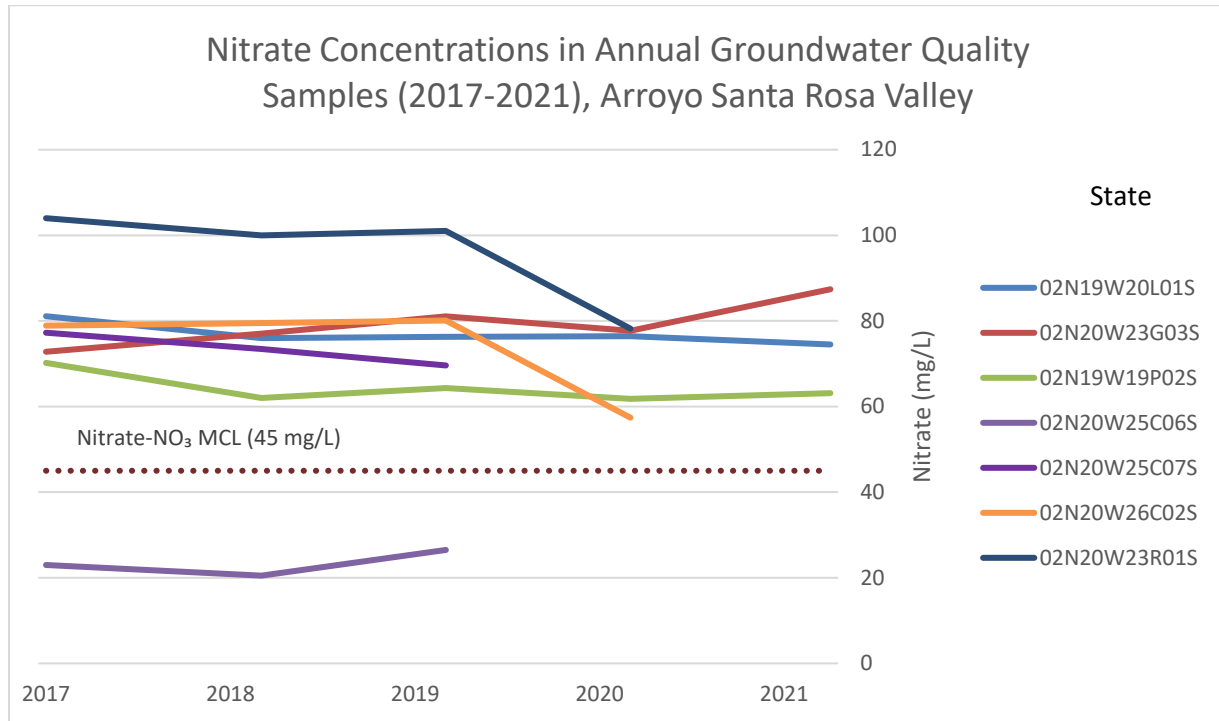
State Well Number (SWN)	Date Sampled	Nitrate-NO <sub>3</sub> (mg/L)
02N19W20L01S	9/27/2017	81.1
	11/28/2018	76
	11/7/2019	76.3
	11/19/2020	76.4
	12/1/2021	74.5
02N20W23G03S	9/27/2017	72.8
	12/20/2018	77
	11/7/2019	81.1
	11/12/2020	77.7
	11/18/2021	87.4
02N19W19P02S	11/29/2017	70.2
	12/17/2018	62
	11/12/2019	64.3
	11/12/2020	61.8
	10/4/2021	63.1
02N20W25C06S	10/18/2016	24.7
	11/29/2017	23
	12/17/2018	20.5
	11/12/2019	26.5
02N20W25C07S	9/21/2015	84.9
	11/12/2019	69.6
02N20W26C02S	9/27/2017	78.9
	11/7/2019	80.1
	12/1/2020	57.4
02N20W23R01S	9/27/2017	104
	12/20/2018	100
	11/7/2019	101
	10/9/2020	78.2

**Table 1:** Nitrate concentrations in annual groundwater samples from wells in the Arroyo Santa Rosa Valley Basin.

# Arroyo Santa Rosa Valley and Tierra Rejada Basins – Nitrate Data and Concentration Trends

January 19, 2023

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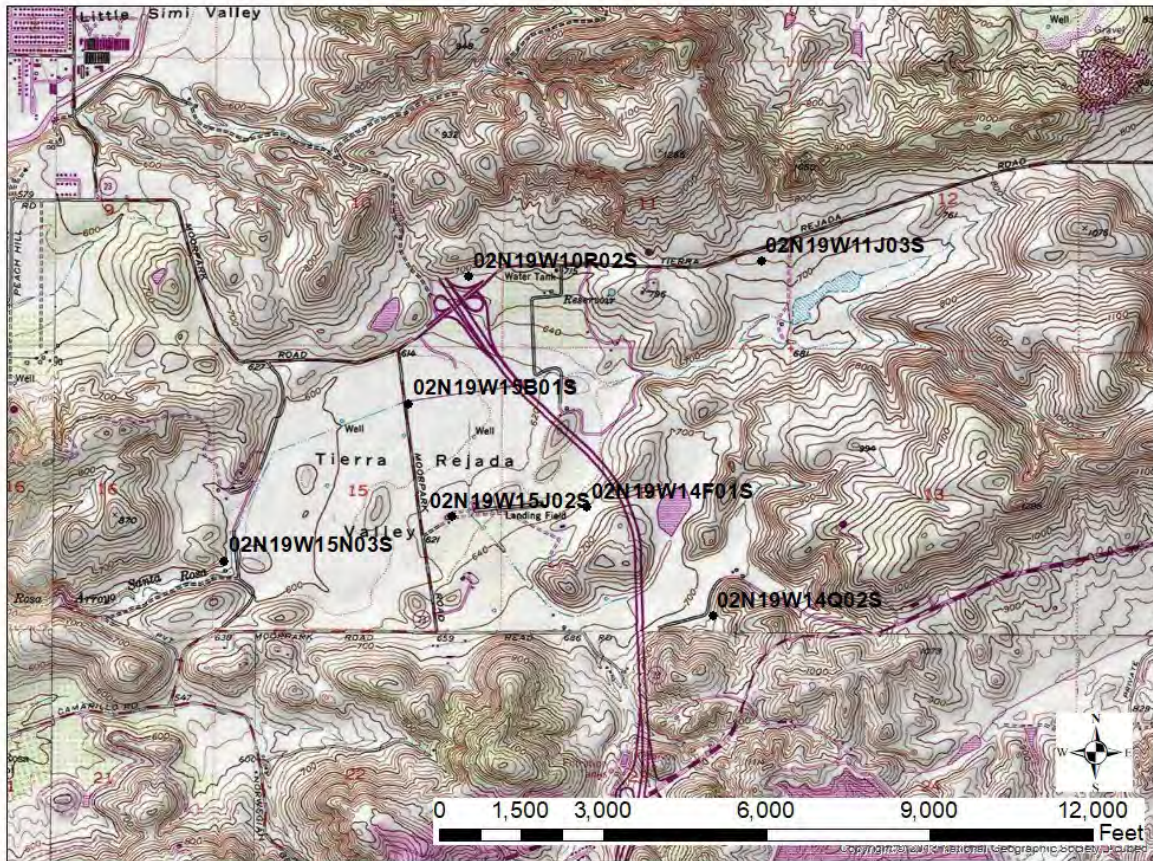


**Figure 2:** Nitrate concentration trends in annually sampled groundwater wells in the Arroyo Santa Rosa Valley Basin.

# Arroyo Santa Rosa Valley and Tierra Rejada Basins – Nitrate Data and Concentration Trends

January 19, 2023

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**Figure 3:** Map of groundwater wells sampled annually in the Tierra Rejada Basin.

Arroyo Santa Rosa Valley and Tierra Rejada Basins – Nitrate Data and Concentration Trends

January 19, 2023

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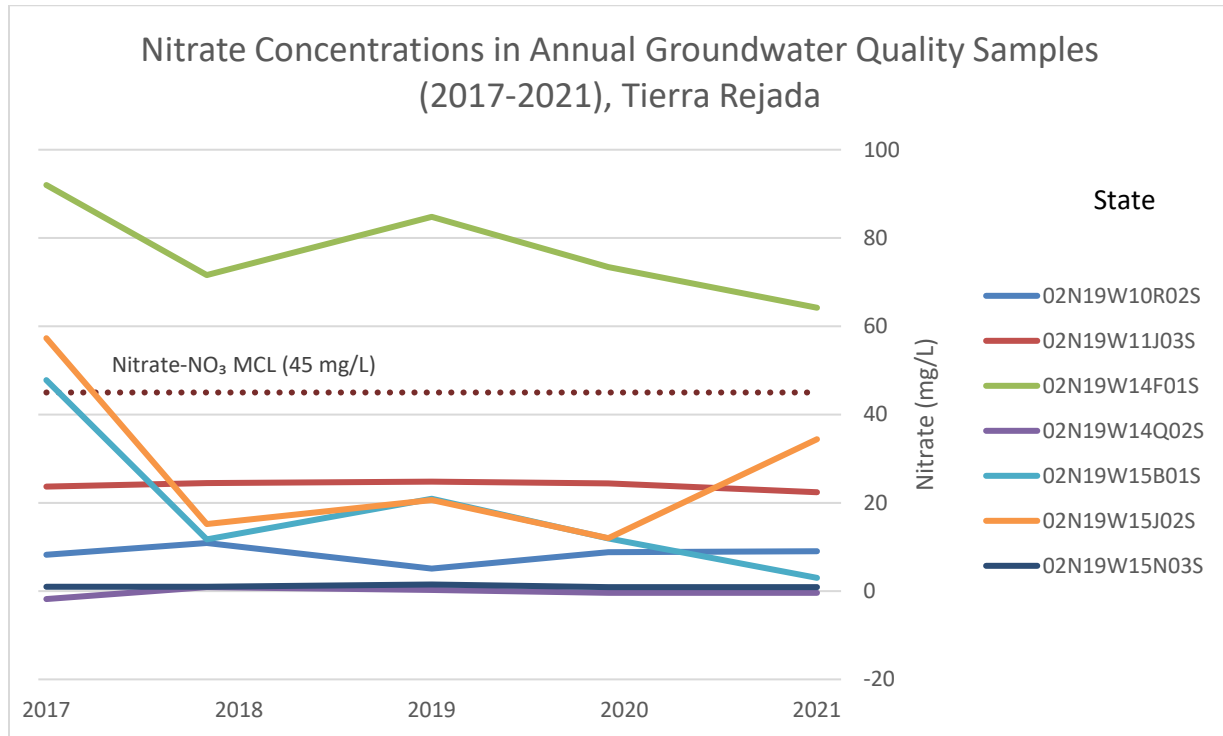
State Well Number (SWN)	Date Sampled	Nitrate-NO <sub>3</sub> (mg/L)
02N19W10R02S	2017	8.2
	2018	10.9
	2019	5.1
	2020	8.8
	2021	9
02N19W11J03S	2017	23.7
	2018	24.5
	2019	24.8
	2020	24.4
	2021	22.4
02N19W14F01S	2017	92
	2018	71.6
	2019	84.8
	2020	73.4
	2021	64.2
02N19W14Q02S	2017	-1.8
	2018	0.9
	2020	-0.4
	2021	-0.4
02N19W15B01S	2017	47.8
	2018	11.7
	2019	20.9
	2021	3
02N19W15J02S	2017	57.3
	2018	15.2
	2019	20.6
	2020	12
	2021	34.4
02N19W15N03S	2018	1
	2019	1.5
	2020	0.9
	2021	0.9

**Table 2:** Nitrate concentrations in annual groundwater samples from wells in the Tierra Rejada Basin.

# Arroyo Santa Rosa Valley and Tierra Rejada Basins – Nitrate Data and Concentration Trends

January 19, 2023

Page 7 of 7



**Figure 4:** Nitrate concentration trends in annually sampled groundwater wells in the Tierra Rejada Basin.

## EXHIBIT 6

<https://vcrma.org/en/accessory-dwelling-unit-permits>

# Accessory Dwelling Unit Permits

Planning Home

## CHANGES TO ADU REQUIREMENTS AND PERMITTING PROCESS!

At the start of 2020 and 2021, new state regulations for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) went into effect with the intended purpose of easing local zoning controls, reducing associated development fees, and streamlining the permit process. The new legislation expressly limits a local agency's ability to regulate ADUs and JADUs. Most recently in September 2022, amendments to the state regulations for ADUs and JADUs were signed by the Governor, which were effective January 1, 2023.

Current State law regarding Accessory Dwelling Units can be found on the State of California's Legislative Information website [here](#).

Current State law regarding Junior Accessory Dwelling Units can be found on the State of California's Legislative Information website [here](#).

More information about the recent state-wide changes to Accessory Dwelling Units, including the State's ADU Handbook, can be found on the California Department of [Housing and Community Development's \(HCD\)](#) webpage."

## WHAT IS AN ADU AND JADU?

**Accessory Dwelling Unit (ADU)** - An attached or a detached residential dwelling unit, or a unit within the existing space of a primary dwelling unit, which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the proposed or existing single-family or multifamily dwelling. An accessory dwelling unit also includes the following:

- (a) An efficiency unit, as defined in section 17958.1 of the Health and Safety Code; and
- (b) A manufactured home, as defined in section 18007 of the Health and Safety Code.

**Junior Accessory Dwelling Unit (JADU)** - A JADU is a dwelling unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family dwelling. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

## REGULATIONS FOR ADUS AND JADUS

\* **Note:** Zoning designations and their abbreviations used below refer to the following zones. See the [Non-Coastal Zoning Ordinance](#) for all other requirements regarding the zone:

### Legend for Zoning Designations

- |   |  |
|---|--|
| <ul style="list-style-type: none"><li>• <i>Single-Family Residential (R1)</i></li><li>• <i>Two-Family Residential (R2)</i></li><li>• <i>Residential (RES)</i></li><li>• <i>Residential Planned Development (RPD)</i></li><li>• <i>Single-Family Estate (RO)</i></li><li>• <i>Residential Mixed Use (R/MU)</i></li><li>• <i>Residential High Density (RHD)</i></li></ul> | <ul style="list-style-type: none"><li>• <i>Rural Agricultural (RA)</i></li><li>• <i>Rural Exclusive (RE)</i></li><li>• <i>Commercial Planned Development within a Community Business District overlay zone (CPD/CBD)</i></li><li>• <i>Agricultural Exclusive (AE)</i></li><li>• <i>Open Space (OS)</i></li><li>• <i>Timberland Preserve (TP)</i></li></ul> |
|---|--|



## A. ADUs and JADUs allowed with a Building Permit

The new state regulations allow for the development of an ADU or JADU to apply directly for a building permit for construction, if it meets the criteria listed below.

### 1. ADUs Within Space of Single-Family Dwellings and Accessory Structures

- One ADU per lot within a portion of a proposed or existing single-family dwelling with exterior access or created by converting existing space of a residential accessory structure. Setbacks must comply with building and fire code, even if existing setbacks are legal non-conforming.
- One JADU is also allowed on the same lot provided the JADU complies with Government Code section 65852.22.

Zones allowed\*: R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.



(ADUs Within Space of Single-Family Dwellings and Accessory Structures)

### 2. New Detached ADU with an Existing or Proposed Single-Family Dwelling



(New Detached ADU with an Existing or Proposed Single-Family Dwelling)

One detached new construction ADU is allowed on a lot with a proposed or existing single-family dwelling and may be combined with a JADU. The new detached ADU:

- Can have a maximum size of 800 square feet,
- Must have minimum 4-foot side and rear setbacks, and
- Must meet height requirements per state law requirements. See height section below

Zones allowed\*: R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.

### 3. ADUs in Existing Multifamily Dwelling Structures

ADUs are allowed to be created within portions of existing multifamily dwelling structures that are not used as livable space (e.g., garage, carports, storage, etc.). The maximum number of ADUs allowed shall be at least one ADU, or the number of ADUs equal to up to 25 percent of the existing multifamily dwelling units, whichever is greater. Property owner(s) may combine ADUs created from the conversion of existing space, with detached ADUs as described in option 4 below.

Zones allowed\*: R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.



(ADUs in Existing Multifamily Dwelling Structures)

#### 4. Detached ADUs on lots with Existing or Proposed Multifamily Dwelling



(Detached ADUs on lots with Existing or Proposed Multifamily Dwelling)

Up to two detached ADUs are allowed on lots with an existing or proposed multifamily dwelling, with:

- Minimum 4-foot side and rear setbacks, and
- Must meet height requirements per state law requirements. See height section below

Property owner(s) may combine detached ADUs with ADUs created from the conversion of existing space, as described in option 3 above. Detached ADUs may be attached to each other, but must be detached from the existing or proposed multifamily dwelling and from other accessory structures on the lot.

Zones allowed\*: R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.

#### 5. Junior Accessory Dwelling Units (JADUs)

One JADU is allowed per lot zoned single-family residential with a proposed or existing single-family dwelling:

- If it is up to 500 square feet created within the walls of a proposed or existing single-family dwelling, with an efficiency kitchen, and a separate entrance from the main entrance.
- JADUs are not allowed in multifamily dwellings and on lots with more than one detached single-family dwelling.
- The JADU can share sanitation facilities with the single-family residence or have separate sanitation facilities.
- No additional parking is required (unless the JADU converts an existing attached garage in which case replacement parking for the primary residential structure is required).
- The owner of the lot must reside in the single-family dwelling, and upon completion of construction of the JADU, the owner must occupy either the remaining portion of the single-family dwelling or the JADU.

Zones allowed\*: R1, R2, RES, RPD, RA, RE, or RO Zones.



(Junior Accessory Dwelling Units)

#### Maximum Allowed Height for Detached ADUs:

- Maximum of 16 feet above grade on a lot with an existing or proposed single-family or multifamily dwelling; or
- Maximum of 18 feet above grade on a lot with an existing or proposed multifamily dwelling with multiple stories; or
- Maximum of 18 feet above grade if the lot has an existing or proposed single-family or multifamily dwelling, and is within one half-mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the Public Resources Code. An

additional two feet in overall height is allowed to accommodate a roof pitch that is aligned with the roof pitch of the primary dwelling unit.

- d. Detached ADUs may exceed the allowable height limits in (a) through (c) above if the ADU is set back at least 20 feet from all property lines, but the ADU shall not exceed the maximum allowed building height of the primary dwelling unit on the lot, pursuant to Article 6 of the NCZO.

## B. All other ADUs (allowed with a Zoning Clearance)

Proposed ADUs that do not meet the state criteria above are subject to review with a [Zone Clearance](#), prior to application for a Building Permit. This includes lots zoned Agricultural Exclusive (AE), Open Space (OS), and Timberland Preserve (TP), as long as they meet the requirements in the Non-Coastal Zoning Ordinance.

Planning Division staff is in the process of updating the County's current ADU ordinances to be compliant with the State's regulations. Until that time, all ADU permit applications will be reviewed using both the County's existing development standards and, where applicable, the State's revised development standards (as outlined above) to verify consistency with State law.

For properties not located within a coastal area, proposed ADUs must comply with the Non-Coastal Zoning Ordinance Section 8107-1.7 which is available [here](#).

For properties located in the coastal area, proposed ADUs must comply with the Coastal Zoning Ordinance Section 8175-5.1.1, which is available [here](#).

If you would like to be added to an Interested Parties List to receive notification when the ADU ordinances will be presented at a public hearing, please register on the Planning Division Accessory Dwelling Unit Ordinance Update webpage here: <https://www.vcrma.org/accessory-dwelling-unit-ordinance-update>

## DOCUMENTS REQUIRED AT THE TIME OF AN ADU/JADU APPLICATION:

Based on the State's regulations, rentals of an ADU or JADU must be for a term longer than 30 consecutive days. Therefore, owner(s) of the property are required to submit the following documents:

- ADU: An [ADU Affidavit](#) agreeing to these terms must be submitted at the time of application.
- JADU: A [Deed Restriction](#) must be recorded with the County Recorder, prior to final approval. Legal description from property deed must be attached, all property owners must sign, and all property owners' signatures must be notarized.

## STANDARDIZED PLANS AVAILABLE FOR DETACHED ADUS

The County has prepared, and is making available to the public, a complete set of standardized plans that can be utilized for the construction of detached ADUs. These plans have already been reviewed and pre-approved by the Building and Safety Division. Utilizing these pre-approved plans will save time and money during the permitting process.

These standardized plans are free of charge and they provide County residents with a cost-effective option to build an ADU on their property using this standardized design, in an affordable manner, without the cost or time typically needed for a new design. Generally, they reduce the need to hire an architect, if the plans are used exactly as approved. See more info regarding the three available layouts for one-, two- and three-bedroom units [here](#).

## Questions?

If you have further questions or need assistance with applying for an ADU, please contact the County of Ventura's Planning Division at [plan.counter@ventura.org](mailto:plan.counter@ventura.org), or by calling 805-654-2488.

<https://verma.org/en/accessory-dwelling-unit-ordinance-update>

## Accessory Dwelling Unit Ordinance Update

### *Accessory Dwelling Unit Ordinance Update*



In 2018, the Ventura County Board of Supervisors and California Coastal Commission approved amendments to both the Non-Coastal and Coastal Zoning Ordinances for Accessory Dwelling Units (ADU) in unincorporated Ventura County. Accessory Dwelling Unit replaced “Second Dwelling Unit” within the ordinances in order to apply a broader range of development standards in both zoning ordinances. The term was redefined as part of a larger comprehensive Accessory Dwelling Unit update to both zoning ordinances to be consistent with state law.

On January 1, 2020, and January 1, 2021, new state regulations for Accessory Dwelling Units went into effect. Draft amendments to the Accessory Dwelling Unit development standards for both Non-Coastal and Coastal Zoning Ordinances are being prepared to comply with the state regulations. Standards associated with parking, Junior ADUs, owner occupancy requirements, and others will be amended to reflect the required changes made at the state level.

More information about the recent state-wide changes to Accessory Dwelling Units can be found on the California Department of **Housing and Community Development’s (HCD)** webpage.

**Click here to be notified of Accessory Dwelling Unit updates and notice of future public hearings!**

### Public Hearings

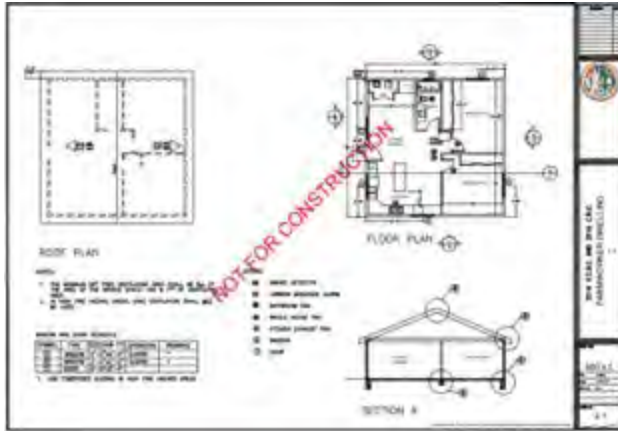
#### **Board of Supervisors – February 7, 2023, 1:30 pm (Time Certain)**

Planning Division staff will be presenting the Proposed Ordinance amending Articles 2, 5, 7, 8, 11, and 19 of the Ventura County Non-Coastal Zoning Ordinance, pertaining to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), and the related CEQA exemption to the Ventura County Board of Supervisors at a public hearing on Tuesday, February 7, 2023 at 1:30 pm. The agenda and documents for the hearing will be available **at this link** a week before the hearing date. Simultaneous interpretation in Spanish will be available for this item at the hearing.

#### **Planning Commission – August 18, 2022**

On August 18, 2022, the County of Ventura’s Planning Commission recommended approval of county-initiated amendments to Articles 2, 5, 7, 8, 11, and 19 of the Ventura County Non-Coastal Zoning Ordinance, pertaining to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), and the related CEQA exemption to the Ventura County Board of Supervisors. The agenda and documents for Planning Commission hearing can be accessed on the County of Ventura’s website **at this link**.

What if I am ready now to permit my accessory dwelling unit?



We are here to help! If you have questions about how to permit your accessory dwelling unit but need guidance, please visit our [Accessory Dwelling Unit Permits](#) page or contact us at 805-654-2488. Our staff can assist with navigating the new state laws, what the Ventura County's current Accessory Dwelling Unit Ordinance says, and what you can do while the updates are being prepared.

Additionally, the Building and Safety Division has available for public use, pre-approved standardized ADU plans on their website [HERE](#). These standardized plans are free of charge and provide County residents the option to build an ADU or Farmworker Dwelling Units on their property using standardized design, without the cost or time that is typically needed for a new design.

## Questions?

For questions regarding the Accessory Dwelling Unit Ordinance update, please contact Ruchita Kadakia, Planning Manager at [ruchita.kadakia@ventura.org](mailto:ruchita.kadakia@ventura.org), or by calling 805-654-2414.

## ADU Update Subscription

**SPECIAL NOTICE:** You may subscribe to be notified of Accessory Dwelling Unit updates by completing the form below.

\*Required

First Name:

Last Name:

Your Email:\*

Address:

Proposed ADU Location:\*

Subscribe



# Standardized Plans for Accessory Dwelling Units and Farmworker/Animal Caretaker Dwelling Units

[Building and Safety Home](#)

**IMPORTANT: Do NOT begin construction until you have obtained a valid Building Permit from the Building & Safety Division**

The County's Planning Division recently updated its regulations for Agricultural Worker Housing and is in the process of updating its standards for Accessory Dwelling Units (ADUs) in compliance with new state laws. In order to encourage the development of more affordable housing, the County has prepared, and is making available to the public, a complete set of standardized plans that can be utilized for the construction of Detached ADUs and Farmworker/Animal Caretaker Dwelling Units.

## What are the Benefits of using the Standardized Plans?

**Utilizing these plans will save time and money during the permitting process!**

The standardized plans are free of charge. They provide County residents with the option to build an ADU or Farmworker/Animal Caretaker Dwelling Unit on their property using the standardized design, in an affordable manner, without the cost or time that is typically needed for a new design. Generally, they reduce the need to hire an architect, if the plans are used exactly as approved below.

The applicant saves on County of Ventura's **reduced** review fees and review time needed for obtaining the Building Permit for these units, as they have already been reviewed by the Building and Safety Division.

**Note:** *You must still obtain the appropriate permit from the Planning Division (if applicable) and a Building Permit from the Building and Safety Division.*

## Standardized Floorplan Options

**Three layouts are available to use for 1, 2, and 3-bedroom units!** Click on the image for each option below to see the floor plan (with a furniture layout) and an illustrative rendering of that plan. Construction drawings for each option are available below the image.

The illustrative rendering directly represents the construction drawings reviewed and pre-approved by the Building and Safety Division. While you cannot change the size or location of features included in the plans (such as location of doors, air vents, plumbing connections, etc.), you can personalize the look of your unit by changing the appearance of some features! This includes paint, siding and other façade materials, trims and frames for doors and windows, outdoor light fixtures etc. Please note that some of the changes in features may require approval from the Building and Safety Division.

You can also add a patio cover to any of these standardized plans as long as it meets the requirements in [Building and Safety Handout B17](#).

Click on the images below for more details on each option.

1 Bedroom | 700 sq. ft.



[700 sq. ft. Construction drawings](#)

2 Bedroom | 900 sq. ft.



[900 sq. ft. Construction drawings](#)

3 Bedroom | 1,188 sq. ft.



[1,188 sq. ft. Construction drawings](#)

## Want to use one of these plans for your ADU or Farmworker/Animal Caretaker Dwelling Unit?

Great! To see if your property is eligible for construction of an ADU or Farmworker/Animal Caretaker Dwelling Unit, please review the following information, and make sure you are ready to obtain all necessary permits to begin building your unit:

### Planning Requirements:

- [Accessory Dwelling Units \(ADUs\)](#)
- [Farmworker and Animal Caretaker Dwelling Units](#) (See Sec. 8107-41 of the Non-Coastal Zoning Ordinance)

### Building and Safety Requirements:

- [General Information Fact Sheet](#)
- [Checklist for Standardized Plans](#)

## EXHIBIT 7

From: [Jen Price](#)  
To: [Kadakhia, Ruchita](#)  
Subject: Planning Commission Hearing for ADU/JADU Ordinance (PL20-0023)  
Date: Wednesday, August 17, 2022 3:44:07 PM

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**WARNING:** If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to [Email.Security@ventura.org](mailto:Email.Security@ventura.org).

Hello Ruchita,  
My concerns are still active after reviewing your responses in Red to my questions below.  
Please submit to file as Public Comment.  
Thank you  
Jen Price

The groundwater critical impact area is now no longer considered a critical impact area because staff has not identified the detailed facts meeting HCD's high evidentiary bar to justify the continued inclusion of the impact areas.

**My concern is this: with the continued drought affecting our diminishing ground water how can the HCD and Planning not incorporate findings to justify inclusion of the impact area? Isn't it critical to protect our drinking water in Santa Rosa Valley?**

HCD's July 2022 ADU Handbook explains that *"local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors."* HCD also informed County staff that these detailed findings of fact, would be subject to a high evidentiary bar if the restriction would prohibit ADUs in neighborhoods with existing residential uses. That said, all proposed ADUs (including any new ADUs proposed to be located in the previously identified impact areas) must meet Building Code and Fire Code requirements, which would require individual applicants to satisfy the necessary water supply (which includes drinking water requirements), fire flow, wastewater and related health and safety requirements prior to the issuance of a building permit. These requirements will be reviewed by EHD and Fire department as part of the Building Permit process.

Page 26/27

Therefore, based on the guidance provided by HCD, the inclusion of the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area and the Ojai Traffic Impact Area were removed from the Proposed Ordinance as ADUs and JADUs must be approved

with a building permit subject to the requirements of Section 8107-1.7.4 of the Proposed Ordinance,

and staff has not identified the detailed facts meeting HCD's high evidentiary bar to justify the continued inclusion of the impact areas. That said, all proposed ADUs (including any new ADUs proposed to be located in the previously identified impact areas) must meet Building Code and Fire Code requirements, which would require individual applicants to satisfy the necessary water supply, **fire flow**, wastewater and related health and safety requirements prior to the issuance of a building permit.

**What is Fire Flow?**

**Is this the areas indicated by local agency as high and extreme fire danger?**

**Are there restrictions for ADUs in high and extreme fire areas in Unincorporated Ventura County? Where Can I read this information?**

Fire Code requirements will be reviewed by the Fire department as part of the Building Permit process. At that time, the Fire Department may deny ADUs if there is not adequate access for health and safety requirements related to fire hazards for the properties.

## MEMORANDUM

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**DATE:** February 6, 2023

**TO:** The Honorable Board of Supervisors (All Districts)

**FROM:** Dave Ward, Planning Director  
Ruchita Kadakia, Manager, Housing and State Mandates

**SUBJECT:** Agenda Item #49: Public Hearing Regarding Adoption of County-Initiated Amendments to Articles 2, 5, 7, 8, 11, and 19 of the Ventura County Non-Coastal Zoning Ordinance to Amend Regulations for Accessory Dwelling Units and to Add Regulations for Junior Accessory Dwelling Units Consistent with Government Code Sections 65852.2 and 65852.22; and Find that the Project is Exempt from the California Environmental Quality Act Pursuant to Public Resources Code Section 21080.17 (PL20-0023); All Supervisorial Districts.

Additional Public Comments Received

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Between January 31, 2023 and February 6, 2023, Planning Division staff received two additional public comments for the project.

Comment letter 1 – From Jessica Mann and Arnie Kellman  
Comment letter 2 – From Jackson Piper

Please see attached.

**From:** [ClerkoftheBoard](#)  
**To:** [Kadakhia, Ruchita](#)  
**Subject:** FW: Agenda Item No. 49 - public comment for BOS Meeting 2/7/2023  
**Date:** Monday, February 6, 2023 7:44:48 AM

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Good morning,

Please add this comment letter to your revision packet today.

Thank you,

Lori

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**From:** Jessica Mann <jbmann18@gmail.com>  
**Sent:** Sunday, February 5, 2023 9:37 PM  
**To:** ClerkoftheBoard <ClerkoftheBoard@ventura.org>  
**Cc:** Arnie Kellman <agkellman@gmail.com>  
**Subject:** Agenda Item No. 49 - public comment for BOS Meeting 2/7/2023

**WARNING:** If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to [Email.Security@ventura.org](mailto:Email.Security@ventura.org).

To County Board of Supervisors,

We wish to comment on the parking requirements in the proposed new and amended regulations on JADUs and ADUs, to be discussed in your public hearing above.

We wish to bring to your attention that there is an unreasonable discrepancy in the parking requirements for ADUs vs. JADUs that would create an unnecessary barrier to creating more JADUs, and which we believe should be changed.

When you create an ADU or JADU from the conversion of a garage the rules do not require you to provide parking for the ADU or the JADU. However, ONLY FOR A JADU are you required to replace the primary residence parking lost due to the garage conversion; the ADU has no such requirement. (See Referenced Sections below.)

We do not think this distinction is justifiable, and is an unreasonable and unnecessary barrier to creating more dwellings. This goes against the stated aims of the regulations, which are to make more permissive requirements, further facilitating the number of ADUs and JADUs, which can be counted toward the County's RHNA (Regional Housing Needs Allocation).

We request that the JADU parking rules associated with garage conversions be changed to match those of the ADUs. Thank you for your consideration.

**Referenced Sections**



*Sec. 8107-1.7.5 (c) (3) Parking Standards for ADUs*

*“When a garage...(is) converted to an ADU, those off-street parking spaces do not need to be replaced for the primary dwelling.”*

*Sec. 8107-1.7.6 (e) (1) Parking Standards for JADUs*

*“When a JADU is created by the conversion of an attached garage, replacement parking for the primary residential structure is required to be provided.”*

Respectfully,

-Jessica Mann and Arnie Kellman

2187 Woodland Ave.

Ojai, CA 93023

**From:** [ClerkoftheBoard](#)  
**To:** [Kadakia, Ruchita](#)  
**Subject:** FW: BOS 2/7/2023 Agenda Item 49. Accessory Dwelling Units  
**Date:** Monday, February 6, 2023 11:54:09 AM

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Hi Ruchita,

Here is another email to add to your revision packet. I will handle all else that arrives.

Thank you,

Lori

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**From:** Jackson Piper <jacksonepiper@gmail.com>  
**Sent:** Monday, February 6, 2023 11:47 AM  
**To:** ClerkoftheBoard <ClerkoftheBoard@ventura.org>  
**Subject:** BOS 2/7/2023 Agenda Item 49. Accessory Dwelling Units

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To the Ventura County Board of Supervisors,

I am very pleased to see these changes in the ADU ordinance being codified, and happy to see that the exclusivity of the Ojai and Santa Rosa Valleys from what is a minimal increase in housing capacity through the allowance of ADUs is no longer a part of this ordinance. I am further pleased to see that you have allowed for the development of ADUs within zones A-E and O-S through section 8107-1.7.5 on page 14 of this document, as these zones allow for single-family residences to be developed and should be perfectly capable of also allowing an accessory dwelling unit to accompany a primary residence on such zoned properties, in conformance with state law.

This is a small but significant step in helping to resolve the housing crisis that has affected our communities for the past several decades. Please adopt these amendments as presented.

Thank you,

Jackson Piper

Ventura County YIMBY

**February 7, 2023**

**Board of Supervisors Hearing**

**Non-Coastal Zoning Ordinance Amendments  
for Accessory Dwelling Units and Junior  
Accessory Dwelling Units (PL20-0023)**



**Resource Management Agency, Planning Division  
Ruchita Kadakia, Manager,  
Housing and State Mandates**

# Project Objective and Scope

Update County's Accessory Dwelling Unit (ADU) regulations to be consistent with updated State Law requirements:

- Government Code Section 65852.2 (ADUs); and
- Government Code Section 65852.22 (Junior ADUs/JADUs)



# Background

# Recently Adopted Housing Legislation

## State Legislature options to address CA Housing Crisis

- Streamlining of permitting process
- More housing options with ministerial approvals
- ADUs/JADUs
- Additional housing density near transit and existing residential neighborhoods
- Importance of meeting regional housing needs and certified Housing Elements
- New HCD Enforcement Division to ensure jurisdictions comply



# 2021-2029 Housing Element Sites Inventory (6<sup>th</sup> Cycle RHNA)

## ADUs and JADUs:

- Consist of approx. 44% of the overall RHNA
- ADUs and JADUs consist of almost half of all low-income units

If County does not meet the average number of 70 anticipated ADUs every year by the mid-cycle (2025), HCD may require rezoning of parcels to meet the sites inventory requirements

TABLE 5-41 HOUSING INVENTORY SUMMARY FOR LOWER, MODERATE, AND ABOVE MODERATE-INCOME CATEGORIES				
	Lower Income (less than 80% of median)	Moderate Income (80-120% of median)	Above- Moderate Income (greater than 120% of median)	TOTAL
RHD Zoned Sites	220	-	30	250
ADUs and JADUs	258	235	67	560
Farmworker and Animal Caretaker Dwelling Units	8	-	-	8
<b>Approved Residential Projects</b>				
CSUCI University Glen Phase 2	170	310	120	600
Somis Ranch Farmworker Housing Complex <sup>33</sup>	200	-	-	200
Rancho Sierra Supportive Housing	50	-	-	50
Reider Tract (Piru)	5	44	-	49
Finch Tract (Piru)	-	113	62	175
<b>Vacant Sites in Existing Communities</b>				
Camarillo Heights/Las Posas Estates	-	-	51	51
Bell Canyon	-	-	62	62
Santa Rosa Valley	-	-	12	12
Lake Sherwood	-	-	76	76
<b>Total</b>	<b>911</b>	<b>702</b>	<b>480</b>	<b>2,093</b>
<b>2021-2029 RHNA Target</b>	<b>544</b>	<b>250</b>	<b>468</b>	<b>1,262</b>
Surplus (percent of RHNA)	367 (67%)	452 (181%)	12 (3%)	831 (66%)

# ADU Regulations in the County

**1983-2003:** County adopted “Second Dwelling Unit” regulations, the precursor to ADUs

**2017/18:** State laws updated ADU regulations to allow certain types of ADUs with only a Building Permit, and added JADUs

**2018:** County adopted an ordinance addressing 2017/18 Laws to update ADU regulations; did not include JADUs

**2018-2022:** New ADU Laws expanded regulations for Building Permit ADUs and JADUs, made restricting ADUs more difficult

# New “More Permissive” ADU Laws (2018-2022)

- Retains two tracks for approving ADUs:
  - Building Permit only; or
  - With a Zoning Clearance
- Expand types of ADUs that must be approved only with a Building Permit
- Allow multiple ADUs with multifamily dwelling structures
- Prohibit minimum lot size and owner occupancy requirements for ADUs
- Require inclusion of JADUs and identify specific requirements
- Establish development, height and parking standards for ADUs and JADUs
- Require that rental terms for ADUs and JADUs must exceed 30 consecutive days
- Existing development standards cannot preclude the creation of an 800 sq. ft. ADU
- Limits local authority to restrict ADUs



# Proposed Amendments to the Non-Coastal Zoning Ordinance (Articles 2, 5, 7, 8, 11, and 19)

# Summary of Proposed Amendments

- Allows four types of ADUs and JADUs with a Building Permit approval
- Establishes criteria for all other types of ADUs subject to a Zoning Clearance
- Includes more permissive ADU standards, wherever possible
- Outlines the processes and general requirements for approval of ADUs and JADUs
- Defines terms specific to ADUs and JADUs
- Updates other sections of the Non-Coastal Zoning Ordinance for consistency

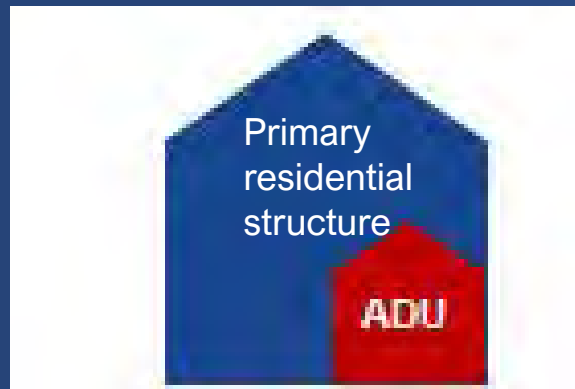
# Types of Allowable ADUs (Sec. 8107-1.7.3)



**DETACHED**



**ATTACHED**



**SPACE WITHIN A PRIMARY  
RESIDENTIAL STRUCTURE**



**SPACE WITHIN AN EXISTING  
ACCESSORY STRUCTURE**



# ADUs Allowed by Permit and Zone

TYPE OF ADU		ZONING CLASSIFICATION												
		RI	R2	RES	RPD	R/MU	RHD	RA	RE	RO	CPD/ CBD	OS	AE	TP
Building Permit ADUs (8107-1.7.4)	Within Single-Family Dwellings and Accessory Structures (Sec. 8107-1.7.4(a))	BP	BP	BP	BP	BP	X	BP	BP	BP	BP	X	X	X
	New Detached ADU with Single-Family Dwelling (Sec. 8107-1.7.4(b))	BP	BP	BP	BP	BP	X	BP	BP	BP	BP	X	X	X
	ADUs within Multifamily Dwelling (Sec. 8107-1.7.4(c))	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	X	X	X
	Detached ADUs with Multifamily Dwelling (Sec. 8107-1.7.4(d))	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	X	X	X
Zoning Clearance ADUs (All other ADUs not authorized under Sec. 8107-1.7.4(a) through (d)) (Sec 8107-1.7.5)		ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
JADUs	JADUs (can be combined with an attached or detached ADU in a single-family dwelling in a single-family residential zone ) (Sec. 8107-1.7.6)	BP	BP	BP	BP	X	X	BP	BP	BP	X	X	X	X
		BP - Building Permit Only			ZC - Zoning Clearance			X - Not Allowed						

# Building Permit ADUs (Sec. 8107-1.7.4)

## Lots with Single-Family Dwellings

- a) Within Space of Single-family Dwellings and Accessory Structures
- b) New Detached ADU with an Existing or Proposed Single-family Dwelling

A JADU may be combined with either a) or b)

## Lots with Multifamily Dwellings

- c) ADUs within Existing Multifamily Dwelling Structures
- d) Detached ADUs with an Existing or Proposed Multifamily Dwelling

Applicants may combine options c) and d)

# ADUs Allowed by Zoning Clearance (Sec. 8107-1.7.5)

- For parcels that don't meet Building Permit ADU requirements
- Permitted on zones which allow residential dwellings (Only option for OS, AE, or TP zones)
- Lots must have an existing or proposed single-family or multifamily dwelling
- Each lot can build one ADU (and one JADU if certain requirements are met)
- Must meet setback and height requirements
- Must meet Building Code, and Fire Code requirements and other applicable zoning standards
- Limited exception to development standards for ADUs (per state law)

# ADUs Allowed by Zoning Clearance (Sec. 8107-1.7.5)

- **Maximum height (Effective January 1, 2023):**
  - Detached ADUs – Increased to maximum 18 feet, or to match allowable height for primary dwelling, based on criteria. No more than 2 stories.
  - Attached ADUs – Maximum 25 feet, or maximum allowable height for primary dwelling, whichever is lower.
- **Maximum Size for attached or detached ADUs:**

Lot size	Size of ADU	
< 9,000 sq. ft.	850 sq. ft. for one bedroom or less	1,000 sq. ft. for more than one bedroom
9,000 sq. ft. < 10 acres	1,200 sq. ft.	
10 acres <	1,800 sq. ft.	



# Planning Commission Hearing, Revisions to Ordinance and CEQA

# Planning Commission Hearing

Hearing held on August 18, 2022

- Three public commenters
- Discussion on removal of impact areas

Planning Commission voted 5-0 to recommend approval



# Impact Areas – State Law Provisions

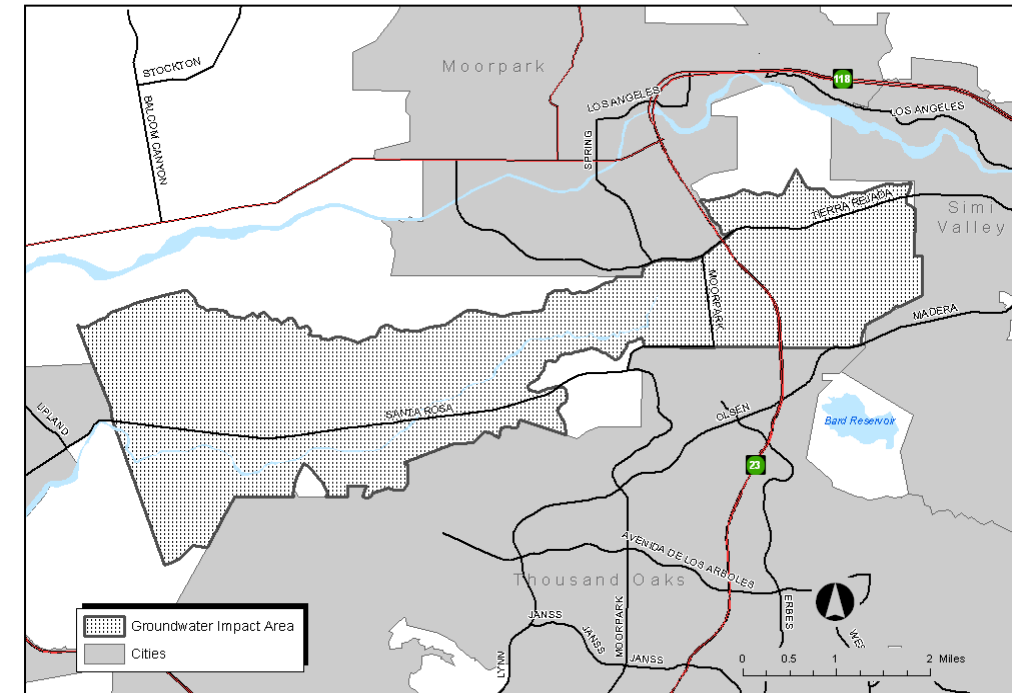
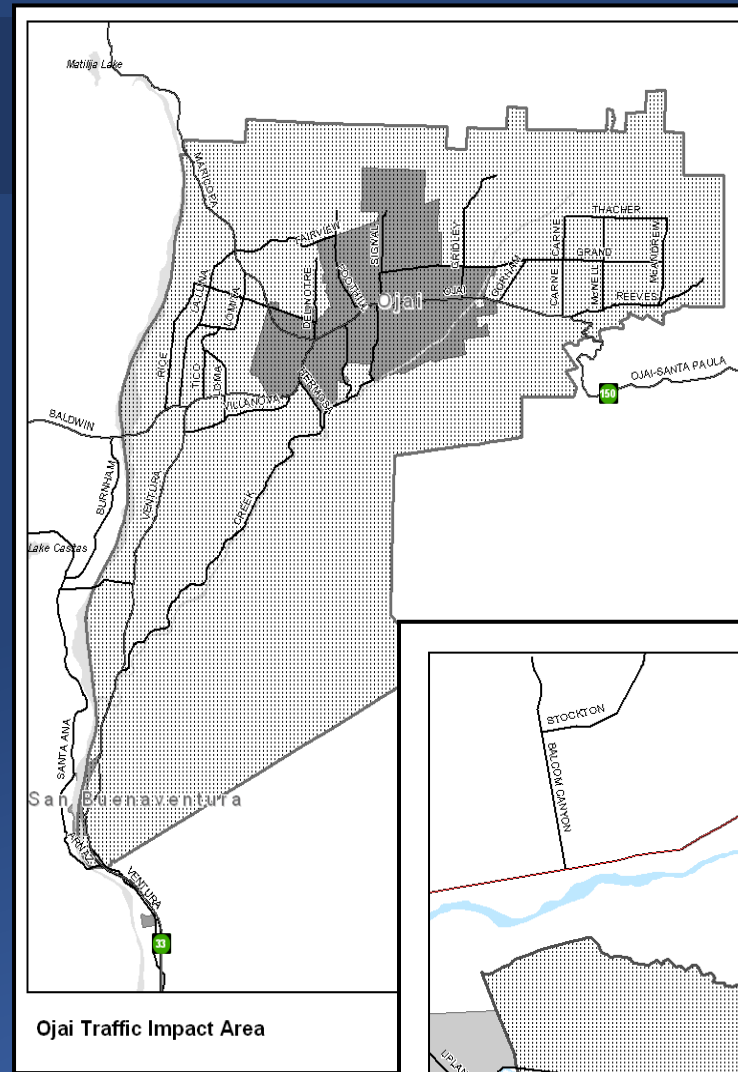
- Allows inclusion of Impact Areas to limit ADUs in an ordinance based on the adequacy of **water and sewer services**, and impacts of ADUs on **traffic flow** and **public safety**
- Requires that a Building Permit be issued for ADUs and JADU if they meet the state law criteria (i.e., **Section 8107-1.7.4**), *even if* the property is within a designated impact area
- Requires County to submit the adopted ADU ordinance to HCD for compliance with new ADU laws
  - Possible enforcement action by new HCD Enforcement Division, and/or referred to the State Attorney General, if ordinance is not revised to meet HCDs requirements

# Impact Areas – HCD Guidance

- “Local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by **detailed findings of fact** explaining why ADU limitations are required and consistent with these factors.” *(July 2022 ADU Handbook)*
  - Findings of fact are subject to a high evidentiary bar if the restriction would prohibit ADUs in neighborhoods with existing residential uses
  - To HCD’s knowledge, no jurisdictions have adopted a local ordinance designating impact area restrictions on ADUs, and found compliant with State Law
- HCD does not view traffic or groundwater quality as a safety issue; and
- ADUs must be treated in the same manner and have same rules as all other residential development in that impact area (i.e., residential additions, new single-family homes, etc.)

# Impact Areas

- Other types of residential development is allowed in the impact areas
- County unlikely to meet HCDs high evidentiary bar to justify the continued inclusion of impact areas
- Both impact areas were **removed** from the Proposed Ordinance



# Residential Projects in Previously Designated Impact Areas

All potential development, including ADUs and JADUs, will continue to be reviewed by:

Building Permit Review	Reviewing Agency/Division	Review (as necessary)
	Planning Division	Consistency with zoning and development standards in Proposed Ordinance <i>(unless the ADU qualifies for a building permit only)</i>
	Building and Safety Division	Compliance with applicable building codes
	Environmental Health Division	Septic systems or onsite wastewater treatment systems (OWTS), including any supplemental treatment systems required. Also, OWTS in fractured bedrock or high groundwater
	Fire Department	Access to site and adequate water capacity for fire flow
	Public Works Agency	Land development review related to grading
	Local water district	Determine adequate potable water to serve the project

# Revisions after August 18, 2022 Planning Commission Hearing

## Updates to State Law in September 2022, effective January 1, 2023:

- Detached Building Permit ADUs are now allowed on lots with a ‘proposed’ multifamily dwelling
- No parking required for an ADU if application accompanies the one for a new single-family or multifamily dwelling on the same lot, provided the ADU or parcel meets specified criteria
- Height requirements updated for detached and attached ADUs
- Front setbacks added to the “Limited exception ADUs”
- Demolition permit for detached garage to be replaced with ADU must be reviewed and issued along with ADU permit application

# Revisions after August 18, 2022 Planning Commission Hearing

## Clarifications made to Ordinance:

- Updated definition of “Total Floor Area”
- For detached Building Permit ADUs with an existing or proposed multifamily dwelling:
  - Increased maximum allowable size of new construction ADUs from 850 square feet to 1,200 square feet each
  - Two detached ADUs may be attached to each other
- All detached ADUs can be maximum two stories



# CEQA Exemption

The Proposed Ordinance is exempt from CEQA review pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance to implement the provisions of Government Code section 65852.2.



Public Outreach and Public Comments Received


# Public Outreach/Information

- Three public information web sites created
- Interested parties sign-up list
- Legal Notice published in VC Star and Vida
- ADU Homeowner Tools guidebook in progress

<https://vcrma.org/en/accessory-dwelling-unit-ordinance-update>  
<https://vcrma.org/en/accessory-dwelling-unit-permits>  
<https://vcrma.org/en/accessory-dwellings-farmworker-dwellings>

## Accessory Dwelling Unit Ordinance Update

### Accessory Dwelling Unit Ordinance Update



In 2010, the Ventura County Board of Supervisors and California Coastal Commission approved amendments to 50th the Non-Coastal and Coastal Zoning Ordinances for Accessory Dwelling Units (ADU) in unincorporated Ventura County. Accessory Dwelling Unit replaced "Second Dwelling Unit" within the ordinances in order to apply a broader range of development standards in both zoning ordinances. The term was redefined as part of a larger comprehensive Accessory Dwelling Unit update to both zoning ordinances to be consistent with state law.

On January 1, 2020, and January 1, 2021, new state regulations for Accessory Dwelling Units went into effect. Draft amendments to the Accessory Dwelling Unit development standards for both Non-Coastal and Coastal Zoning Ordinances are being prepared to comply with the state regulations. Standards associated with parking, Junior ADUs, owner occupancy requirements, and others will be amended to reflect the required changes made at the state level.

More information about the recent state-wide changes to Accessory Dwelling Units can be found on the California Department of Housing and Community Development's (HCD) webpage.

Click here to be notified of Accessory Dwelling Unit updates and notice of future public hearings!

### Upcoming Meetings

**Planning Commission – August 18, 2022**

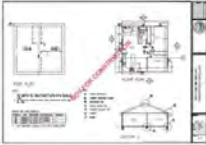
The County of Ventura's Planning Division is presenting county-initiated amendments to Articles 2, 5, 7, 8, and 11 of the Ventura County Non-Coastal Zoning Ordinance pertaining to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs); approval of the related CEQA determination pursuant to Section 21080.17; and adoption of a Resolution regarding an update to the regulations and development standards for ADUs and to add regulations and development standards for JADUs, consistent with state law including Government Code sections 65052.2 and 65052.22 (PL20-0023) to the Ventura County Planning Commission documents for this hearing item can be accessed on the County of Ventura's website at [this link](#). The same link.

Please note that simultaneous interpretation in Spanish will be available for this item at the hearing. If you wish to attend on the day of the hearing, please see the directions provided at [this link](#).

**Board of Supervisors – Anticipated fall 2022**

A Board of Supervisors meeting will be scheduled to consider the recommendation from the Planning Commission, 2022. For updates regarding upcoming hearings or project updates, please sign up on the ADU Update Subscription.

What if I am ready now to permit my accessory dwelling unit?



## REGULATIONS FOR ADUS AND JADUS

\* Note: Zoning designations and their abbreviations used below refer to the following zones. See the [Non-Coastal Zoning Ordinance](#) for all other requirements regarding the zone.

Single-Family Residential (R1)	Residential Mixed Use (R/MU)
Two-Family Residential (R2)	Residential High Density (RHD)
Residential (RES)	Rural Agricultural (RA)
Residential Planned Development (RPD)	Rural Exclusive (RE)
Single-Family Estate (RO)	

### A. ADUs and JADUs allowed with a Building Permit

The new state regulations allow for the development of an ADU or JADU to apply directly for a building permit for construction, if it meets the criteria listed below.

#### 1. ADUs Within Space of Single-Family Dwellings and Accessory Structures

One ADU and one JADU per lot within a portion of a proposed or existing single-family dwelling with exterior access or created by converting existing space of a residential accessory structure. Setbacks must comply with building and fire code, even if existing setbacks are legal non-conforming.



(ADUs Within Space of Single-Family Dwellings and Accessory Structures)

Zones allowed: R1, R2, RES, RPD, R/MU, RA, RE, RO Zones, or Commercial Planned Development within a Community Business District overlay zone (CPD/CBD).

#### 2. New Detached ADU with an Existing or Proposed Single-Family Dwelling



(New Detached ADU with an Existing or Proposed Single-Family Dwelling)

One detached new construction ADU is allowed on a lot with a proposed or existing single-family dwelling and may be combined with a JADU. The new detached ADU:

- Can have a maximum size of 800 square feet,
- Must have minimum 4-foot side and rear setbacks, and
- Be no taller than 16 feet above grade.

Zones allowed: R1, R2, RES, RPD, R/MU, RA, RE, RO Zones, or Commercial Planned Development within a Community Business District overlay zone (CPD/CBD).

## Standardized Floorplan Options

Three layouts are available to use for 1, 2, and 3-bedroom units! Click on the image for each option below to see the floor plan (with a furniture layout) and an illustrative rendering of that plan. Construction drawings for each option are available below the image.

The illustrative rendering directly represents the construction drawings reviewed and pre-approved by the Building and Safety Division. While you cannot change the size or location of features included in the plans (such as location of doors, air vents, plumbing connections, etc.), you can personalize the look of your unit by changing the appearance of some features! This includes paint, siding and other façade materials, trims and frames for doors and windows, outdoor light fixtures etc. Please note that some of the changes in features may require approval from the Building and Safety Division.

You can also add a patio cover to any of these standardized plans as long as it meets the requirements in Building and Safety Handout B17.

Click on the images below for more details on each option.

1 Bedroom | 700 sq. ft.

2 Bedroom | 900 sq. ft.

3 Bedroom | 1,188 sq. ft.



700 sq. ft. Construction drawings



900 sq. ft. Construction drawings



1,188 sq. ft. Construction drawings

family dwelling (ports, storage, etc.). The or the number of ADUs units, whichever is greater, in existing multifamily options between 3 and 4



(ADUs in Existing Multifamily Dwelling Structures)

Zones, or Commercial overlay zone (CPD/CBD).

# Public Comments Received

One public comment received after the close of Planning Commission public comment period (Exhibit 7)

One additional comment received after publication of Board packet

# HCD Ordinance Review Process (Gov. Code section 65852.2(h))

- County submits ordinance to HCD within 60 days of adoption
- HCD action – If HCD finds ordinance does not comply with state law, HCD shall
  - Notify County; and
  - Provide County no more than 30 days to respond to HCD's non-compliance findings
- In response, County must consider HCD's findings and either:
  - Amend the ordinance; or
  - Re-adopt the ordinance without changes, and a resolution explaining why it complies with state law despite HCD's findings
- If County fails to take above actions, HCD shall notify County and may:
  - Elect to notify the Attorney General for non-compliance with state law;
  - Determine that County may no longer rely on ADUs to meet its RHNA



## Recommended Actions



# Recommended Actions

- a. **CERTIFY** that your Board has reviewed and considered this Board letter and all exhibits thereto and has considered all comments received during the public comment and hearing process;
- b. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission staff report (**Exhibit 1**), that the adoption of the proposed ordinance amending Articles 2, 5, 7, 8, 11, and 19 of the Non-Coastal Zoning Ordinance to update regulations and development standards for Accessory Dwelling Units (ADUs) and to add regulations and development standards for Junior Accessory Dwelling Units (JADUs) (**Exhibit 4**) is exempt from CEQA review pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Government Code section 65852.2;

# Recommended Actions

- c. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D of the Planning Commission staff report (Exhibit 1), that the proposed ordinance amending Articles 2, 5, 7, 8, 11, and 19 of the Non-Coastal Zoning Ordinance (Exhibit 4) is consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and is in the interest of public health, safety and general welfare (Exhibit 1);
- d. **ADOPT** the proposed ordinance amending Articles 2, 5, 7, 8, 11, and 19 of the Non-Coastal Zoning Ordinance (Exhibit 4);
- e. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.



Questions?

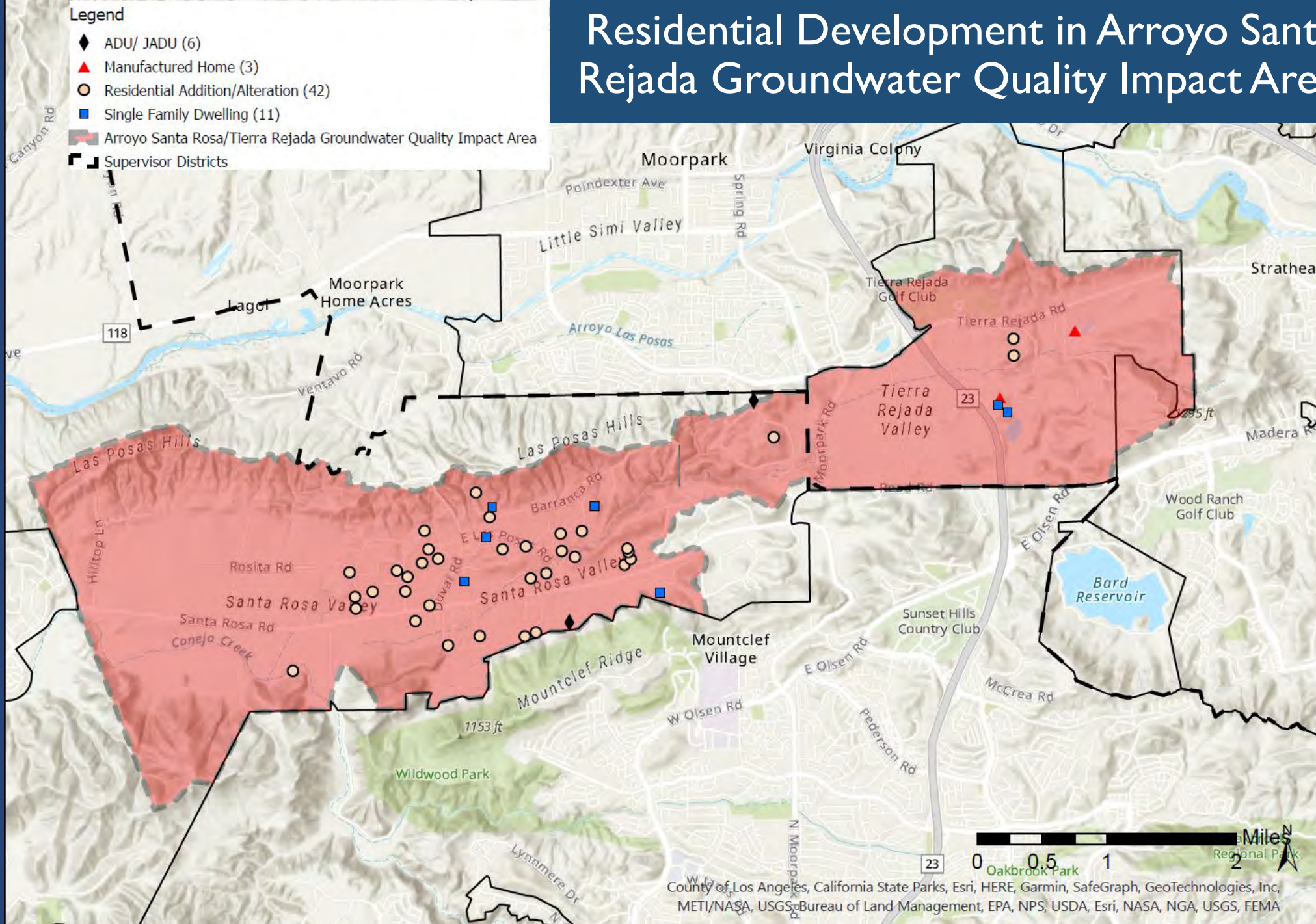


# **ADDITIONAL SLIDES**

(For use during Board Hearing)



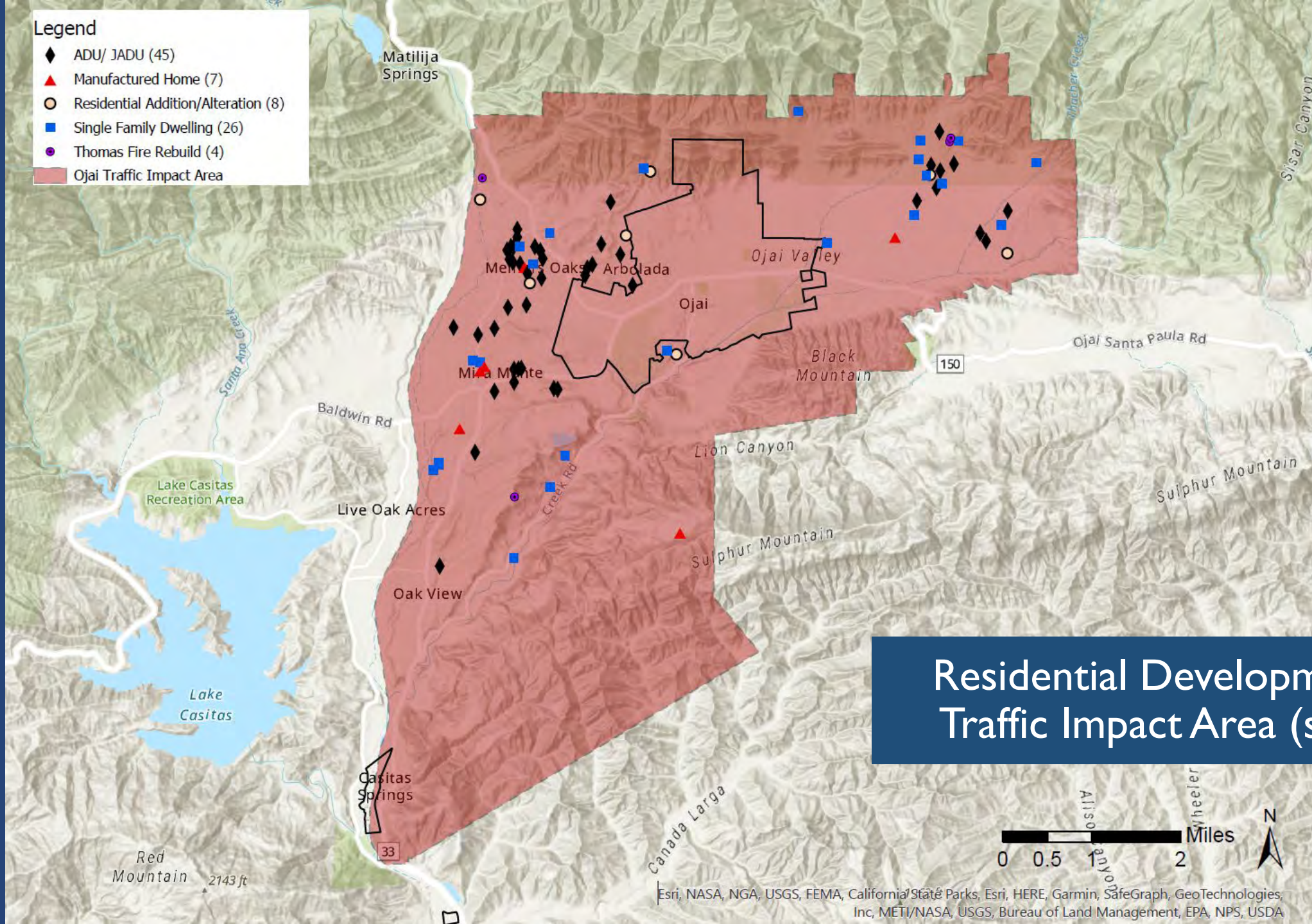
# Residential Development in Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area (since 2017)





## Legend

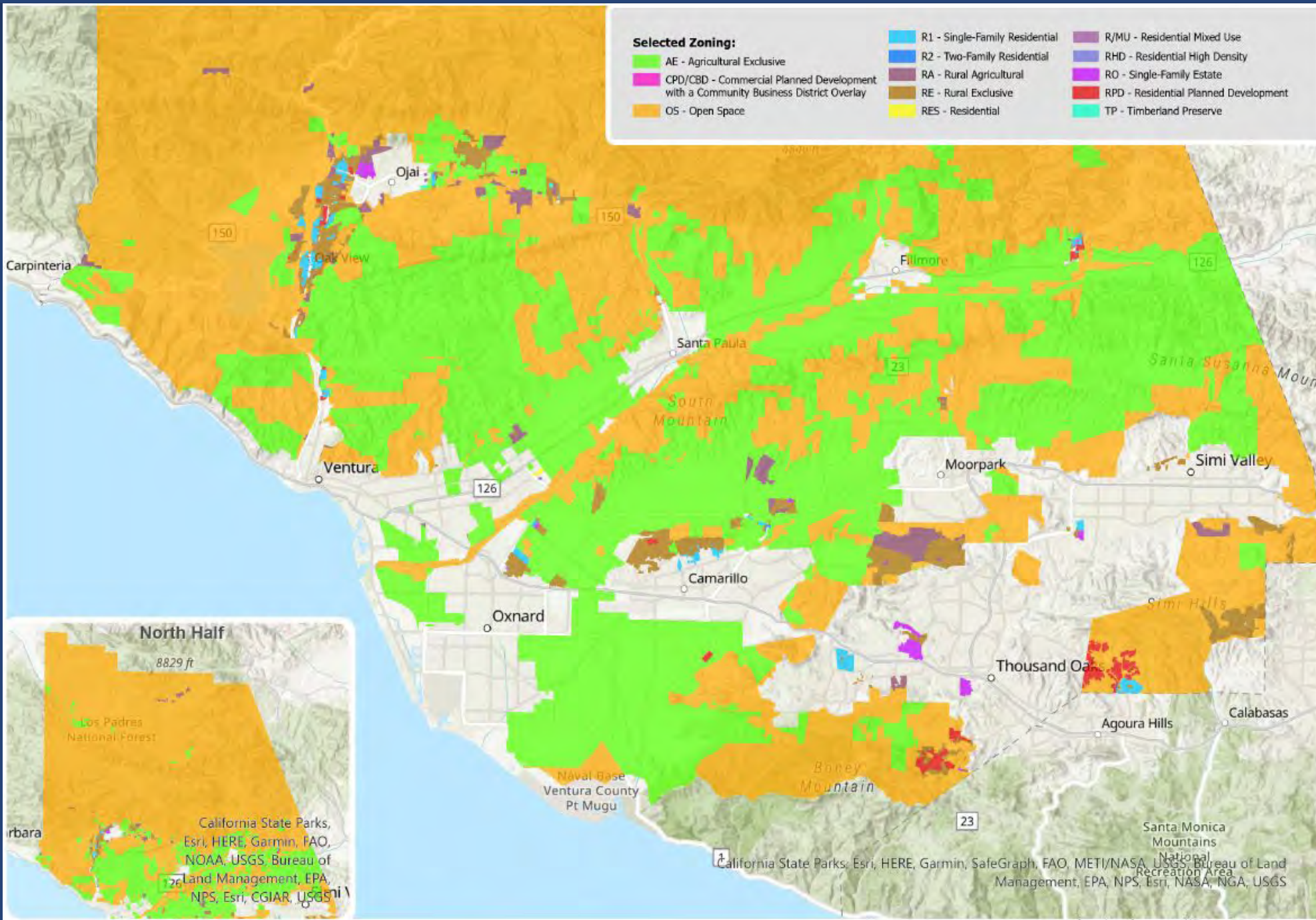
- ◆ ADU/ JADU (45)
- ▲ Manufactured Home (7)
- Residential Addition/Alteration (8)
- Single Family Dwelling (26)
- Thomas Fire Rebuild (4)
- Ojai Traffic Impact Area



## Residential Development in Ojai Traffic Impact Area (since 2017)



# Location of Allowable Zones for ADUs and JADUs



# Building Permit ADUs (Sec. 8107-1.7.4)

## a) Within Space of Single-family Dwellings and Accessory Structures (*Conversion ADUs*)

- In a residential or mixed-use zone
- ADUs are allowed within the space of:
  - An existing or proposed single-family dwelling; OR
  - An existing attached or detached accessory structure
- Can only expand an accessory structure by 150 square feet for ingress and egress purposes (for ADUs only)
- Setbacks must meet Building Code and Fire Code requirements
- No size limitation
- Can be combined with a JADU



### **Allowable Zones:**

R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD

# Building Permit ADUs (Sec. 8107-1.7.4)

## b) New Detached ADU with an Existing or Proposed Single-Family Dwelling

- In a residential zone or mixed-use zone
- The ADU is a new construction ADU (not a conversion of accessory structure)
- **Maximum 850 square feet**
- Minimum four-foot side and rear setbacks
- Can be combined with a JADU



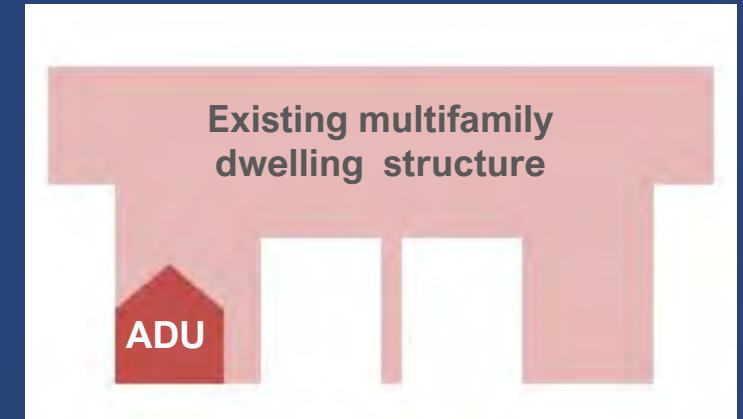
### **Allowable Zones:**

RI, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD

# Building Permit ADUs (Sec. 8107-1.7.4)

## c) ADUs in Existing Multifamily Dwelling Structures

- In a residential zone or mixed-use zone (including RHD)
- ADUs created by conversion of existing non-livable space (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages)
  - ADUs cannot be created in absence of non-livable space
  - For lots with mixed uses, only the non-livable space of the residential portion of the building may be converted to an ADU
- Minimum one ADU allowed. Maximum number of ADUs limited to up to 25% of the existing multifamily units
- May be combined with option d - Detached ADUs with multifamily dwelling structures



### **Allowable Zones:**

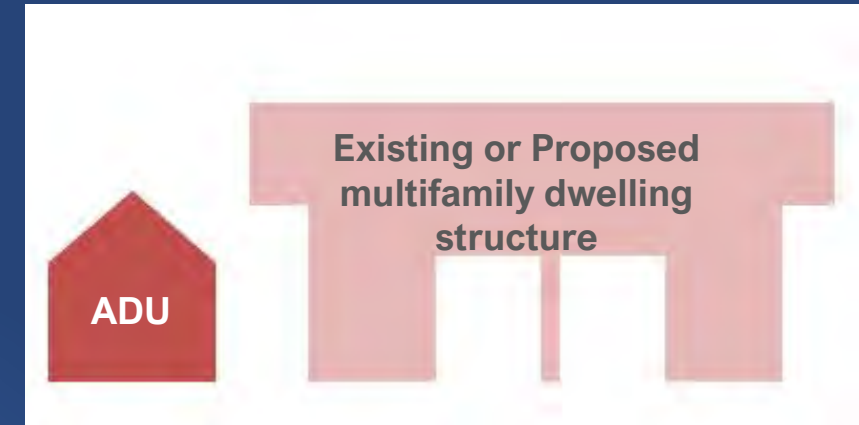
RI, R2, RES, RPD, R/MU, **RHD**,  
RA, RE, RO or CPD/CBD



# Building Permit ADUs (Sec. 8107-1.7.4)

## d) Detached ADUs with Multifamily Dwelling Structures

- In a residential zone or mixed-use zone (including RHD)
- Up to two detached ADUs are allowed (by conversion or new construction)
- **Maximum 1,200 square feet\***
- Minimum four-foot side and rear setbacks
- May be combined with option c - Interior ADUs with multifamily dwelling structures



### Allowable Zones:

RI, R2, RES, RPD, R/MU, **RHD**, RA, RE, RO or CPD/CBD



# Zoning Clearance ADUs (*for parcels that do not meet Building Permit ADU requirements*) (Sec. 8107-1.7.5)

- Must meet Building Code and Fire Code requirements and other applicable zoning standards
- ADUs permitted on zones which allow residential dwellings (R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, CPD/CBD, **OS, AE, or TP**)
- Lots must have an existing or proposed single-family or multifamily dwelling
- Each lot can build one ADU (and one JADU if certain requirements are met)
- **Height:**
  - Detached ADUs – Maximum 16 feet or 18 feet, based on criteria; or Maximum allowable height for primary dwelling, if ADU is setback 20 feet from all property lines. No more than 2 stories.
  - Attached ADUs – Maximum 25 feet, or maximum allowable height for primary dwelling, whichever is lower.

# ADUs Allowed by Zoning Clearance (Sec. 8107-1.7.5)

- **Setbacks:**
  - No setback required, if the following are converted into an ADU:
    - an existing living area;
    - an accessory structure; or
    - a structure reconstructed in the same location and to the same dimensions
  - For all other ADUs - Minimum four-foot setbacks for attached or detached ADU
- **Size of attached or detached ADUs:**

Lot size	Size of ADU	
< 9,000 sq. ft.	850 sq. ft. for one bedroom or less	1,000 sq. ft. for more than one bedroom
9,000 sq. ft. < 10 acres	1,200 sq. ft.	
10 acres <	1,800 sq. ft.	

# ADUs Allowed by Zoning Clearance (Sec. 8107-1.7.5)

- Interior ADUs (e.g., in OS, AE and TP zones)
  - Must be located within the space of an existing or proposed single-family dwelling (not allowed in an accessory structure)
  - Must have exterior access, cannot have internal access to the single-family dwelling
  - ADU must meet size limitations for the lot
  - Side and rear setbacks comply with applicable Building and Fire Code requirements.
- ADUs attached to an Accessory Structure:
  - Combined square footage must not exceed allowable total floor area (except for ADU above garage)
  - No internal access to the accessory structure is allowed

# ADUs Allowed by Zoning Clearance (Sec. 8107-1.7.5)

- Limited exception to development standards for ADUs:
  - An ADU must be approved on a lot with qualifying zoning of **up to 850 square feet**, with four-foot side and rear setbacks, even if it doesn't meet development standards related to lot coverage, floor area ratio, open space, **front setback**, or minimum lot size
  - ADU must meet the Building Code and Fire Code requirements



Image credit: <https://napasonomaadu.org/>

# Maximum Height Allowances for all ADUs *(effective January 1, 2023)*

## **Detached ADUs** (one of the following)

- Maximum 16 feet on lot with existing/proposed single family or multifamily dwelling;
- Maximum 18 feet on lot with an existing/proposed multifamily dwelling with multiple stories
- Maximum 18 feet on lot with existing/proposed single family or multifamily dwelling within ½ mile of a major transit stop or high-quality transit corridor; with an additional two feet to accommodate roof pitch;
- Maximum allowable height for primary dwelling, if ADU is setback 20 feet from all property lines.
- No more than 2 stories.

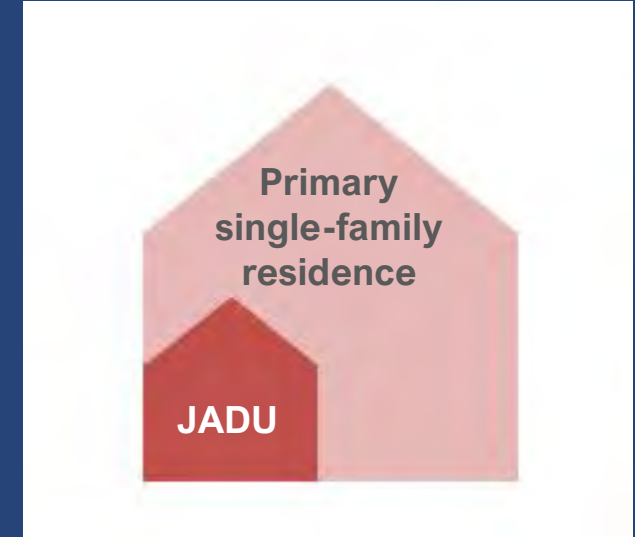
## **Attached ADUs**

- Maximum 25 feet, or maximum allowable height for primary dwelling, whichever is lower.

# Junior Accessory Dwelling Units (JADUs) (Sec. 8107-1.7.6)

## **Governed by Government Code 65852.22**

- One JADU is allowed per lot, located in a **single-family residential zone**
- Must be created within an existing or proposed single-family dwelling, including an attached garage
- Not allowed on lots with multiple single-family detached dwellings, in multifamily dwellings, or in accessory structures
- Maximum 500 square feet size, with an efficiency kitchen
- Requires a separate entrance from the single-family dwelling (*may have internal connection if sharing sanitation facilities*)
- No parking required for the JADU itself, however, replacement parking for the single-family dwelling is required in case of garage conversion to JADU



**Allowable Zones:**  
R1, R2, RES, RPD, RA, RE, RO



# ADU and JADU Application Processing and General Requirements

(Sec. 8107-1.7.7)

- Type of Permits for ADUs and JADUs:
  - Building Permit ADUs and JADUs must be approved ministerially through a building permit
  - All other ADUs (subject to Section 8107-1.7.5) to be approved by a ministerial Zone Clearance
- Correction of nonconforming zoning conditions cannot be a condition of approval of an ADU or JADU
- Rentals/Rental Terms, Owner Occupancy and Property Transfer requirements
- Deed Restrictions for ADUs and JADUs



*Image credit: <https://napasonomaadu.org/>*



**BOARD MINUTES  
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA**

**SUPERVISORS MATT LAVERE, JEFF GORELL,  
KELLY LONG, JANICE S. PARVIN AND VIANEY LOPEZ  
February 7, 2023 at 1:30 p.m.**

**Public Hearing Regarding Adoption of County-Initiated Amendments to Articles 2, 5, 7, 8, 11, and 19 of the Ventura County Non-Coastal Zoning Ordinance to Amend Regulations for Accessory Dwelling Units and to Add Regulations for Junior Accessory Dwelling Units Consistent; and Find that the Project is Exempt from the California Environmental Quality Act (PL20-0023); All Supervisorial Districts. (Resource Management Agency - Planning)**

(X) All Board members are present.

(X) The Board holds a public hearing.

(X) The following persons are heard: Dave Ward, Ruchita Kadakia, Franchesca Verdin, Mark Burley, and Neelima Gadicherla.

(X) The following documents are submitted to the Board for consideration:

(X) PowerPoint Presentation

(X) 2 Comment letters

(X) Upon motion of Supervisor LaVere, seconded by Supervisor Parvin, and duly carried, the Board hereby approves staff's recommended actions, except modify the ordinance (Exhibit 4) as follows: revise Section 8107-1.7.5(i)(1) so that the provision does not apply to ADUs attached to garages; and revise Sections 8107-1.7.6(e) and 8108-4.7 to eliminate the replacement parking requirement for JADUs.

By:   
Lori Key  
Deputy Clerk of the Board

## Sub-Exhibit 11

April 1, 2024

Re: Planning Commission Hearing on April 4, 2024

CASE NUMBER: PL240014

Members of the Planning Commission,

The Planning staff of Ventura County have a big task in orchestrating an ADU Ordinance and keeping up with the State of California's updates to the State ADU Law. I appreciate their efforts to stay current. As a property owner in the County, I review State Law through the lens of the citizen which is often different than how it is viewed by local government. I'd like to share an alternate viewpoint of the proposed amendment.

The purpose of the State Law on ADU's is to aide in keeping housing production to the level of housing demands in California. Some of the major benefits of ADUs are:

- Significantly less expensive to build than traditional single family detached housing
- Provides an environmental quality benefit
- Do not require the cost of new land or infrastructure
- Converting existing space requiring only renovation is extremely cost saving
- Converting existing space is a beneficial way to use underutilized or unused space
- Provides affordable space for renters and extra income for property owners
- Provides housing for the aging or struggling family while providing privacy

The Department of Housing and Community Development (HCD) is a state agency that is a statewide leader in the formation and implementation of data-driven policies and programs to address California's diverse housing and community challenges. Within the State ADU Law, the HCD (the department) is charged with reviewing and commenting on ordinance compliance of local agencies. Local agency ordinances are optional and, if adopted, cannot be more limiting than the State Law. The HCD is the accountability arm of the State ADU Law and reports to the Attorney General for enforcement of the law.

As you are aware, the HCD issued a letter, *Exhibit 7 of the hearing packet*, to the Ventura County Planning Department (County) after reviewing the County's adopted ADU ordinance. Planning calls this document a comment letter when in reality it is a notice of non-compliance.

- Per the second paragraph of the HCD's letter, the HCD states "...HCD finds that the ordinance does not comply with State ADU Law in the following respects...".
- At the end of each of the ten noncompliant items, the HCD states that the County must amend the ordinance accordingly. They use the word **must**. They do not say *amend if the County sees fit* or *amend if the County agrees*.

I present this to the Planning Commission so that light can be shed on this matter. This HCD letter is a directive from a State Agency who is responsible for the accountability of the state's housing laws. It is telling the County their ordinance is not in compliance with State Law and it is directing the County to amend their ordinance.

The County's position regarding this letter and its many discussions and communications with the HCD is that the HCD is *interpreting* State Law rather than viewing the HCD and the State as the ultimate authority. The County disagrees with the HCD's regulatory opinion. The County has asserted that the HCD *agrees* with the County's decisions on which noncompliance items they will amend and which they will not. While there is language in the State Law<sup>1</sup> that outlines what must occur if the County elects not to follow the HCD's requirements in an ordinance review letter, the County should not interpret the HCD's position as one of agreement. There are legal underpinnings to this section of the law and simply creating a resolution that outlines why the County is not adhering to the State Law does not bring them into compliance, rather it shifts the enforcement into lawsuit territory.

I have reviewed the County's ADU Ordinance as it relates to my particular ADU applications. I have applied for an ADU permit twice, through an unlawful zoning clearance process, and have been denied both times. I'd like to briefly share with you my experience in applying for an ADU and my subsequent review and research of the State Law in relation to my ADU.

I first applied for an ADU in June of 2020. I was denied for a number of reasons including definition of zoning, definition of accessory structure, and size maximums. These reasons seemed counter to what my architect understood from State Law so he began to research. The HCD's ADU Handbook was the closest tangible document in providing clarity on our specific questions but there were still holes in our understanding.

In January of 2022 I wrote to the HCD asking them to review the 2020 denial notice.

In April of 2022 I wrote to the planning director, Dave Ward, with as much research and knowledge as I had at that time and asked him to reconsider the denial for the reasons I outlined. (Exhibit-B)

In May of 2022 Mr. Ward responded (Exhibit-C). He reiterated all denial points and included this statement;

*"Staff agree that if the subject property was located within a residential or mixed-use zone as listed under denial reason 1, above, the creamery building would be allowed to be entirely converted to an ADU with no size or bedroom limitation."*

In October of 2022 I received a response from the HCD and on January 31, 2023 and after multiple conversations I received a determination from an HCD Policy Analyst outlining the exact definitions that were subject to opinion up to this point;

*It's is HCD's position that Government Code section 65852.2 applies to any zone that permits residential development by- right. As the Agricultural Exclusive and Open Space zones permit single-family development, the county is required to comply with all relevant language in section 65852.2, including subdivision (e)(1)(A)(i), which requires ministerial approval of one ADU and one JADU when "...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**." For the purposes of ADU law, the designation of a primary residential dwelling renders other structures onsite accessories to that primary dwelling. Size maximums may not apply to units created in converted structures, as local development standards pursuant to subdivisions (a) through (d) may not preclude a unit created subject to subdivision (e). Therefore, NCZO section 8107-1.7.1, subdivision (a) conflicts with state law and must be amended to ministerially permit ADUs created in converted accessory structures without reference to a size limitation. (Exhibit-A)*

This email hit every denial point succinctly, zone definition<sup>2</sup>, accessory structure definition, size maximums, ministerial review<sup>3</sup>, and points out that their determination applies to the entirety of the state law, 65852.2, not just to certain types of ADUs as the County's ordinance reads. This determination is addressing my ADU application and my denial specifically and took into account a phone meeting with the County the same morning that it was issued. The County received a copy of the HCD's determination and I re-applied for my ADU on February 7, 2023. I was denied again by County Planning.

Per Mr. Ward's statement in his letter of May 2022, and based on the clarity provided by the HCD on January 31, 2023, specifically the definition of zones that allow ADUs, my ADU should have been approved. However, on February 7, 2023 Senior Planner Franca Rosengren and RMA Director Kim Prillhart informed me that the County disagreed with the HCD's *interpretation*. The State ADU Law and the HCD are clear; my ADU is allowed. The Planning Department's noncompliant position is that ADU's are MORE restricted on AE zoned properties than on the smallest R1 lot. Their position is unlawful.

In December, the County developed the "resolution" matrix, Exhibit-D, required by State ADU Law when a local agency does not bring their ordinance into compliance<sup>1</sup>. In the resolution, the County boldly asserts that the HCD has misunderstood their ordinance. The HCD has not misunderstood it. The ordinance is nonconforming

and due to the County's reorganization of the State Law criteria into ADUs that are ministerial and those that require zoning review and unable to utilize the law as intended, the County has obfuscated the issues by adding needless complexity to deflect the reader away from the fact that the County is refusing to follow State Law.

I urge the Commission to deny this amendment and request that staff adhere to HCD's findings of noncompliance. If the leaders of our local government don't follow the rules, how can they expect their citizens to? I suggest reaching out to groups such as CoLab which has a very good success rate in solving issues like this with Ventura County.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Cortez", with a stylized, cursive script.

Tracy Cortez  
213-308-0015  
[tracy@billiwhack.com](mailto:tracy@billiwhack.com)

## References

### 1) 65852.2 (h) Compliance with State ADU Law:

(h)(1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(h)(2)(A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

**(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:**

**(i) Amend the ordinance to comply with this section.**

**(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.**

(h)(3)(A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

### 2) 65852.2 (a) State ADU Law allowed zones:

(a)(1) (D) (ii) The lot is **zoned to allow** single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(e)(1) Notwithstanding subdivisions (a) to (d), 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:

“...it is HCD’s position that Government Code section 65852.2 applies to any zone that permits residential development by-right. As the Agricultural Exclusive and Open Space zones permit single-family development, the county is required to comply with all relevant language in section 65852.2, including subdivision (e)(1)(A)(i), which requires ministerial approval of one ADU and one JADU when “...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.**”



3) 65852.2 (a) State ADU Law ministerial requirement:

(a)(3)(A) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved **ministerially without discretionary review or a hearing**, notwithstanding [Section 65901](#) or [65906](#) or any local ordinance regulating the issuance of variances or special use permits.

(a)(6) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that **includes only ministerial provisions** for the approval of accessory dwelling units and **shall not include any discretionary processes, provisions, or requirements** for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(a)(7) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(c)(1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency **shall not establish by ordinance any of the following:**

(C) **Any requirement for a zoning clearance or separate zoning review** or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(e)(1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency **shall ministerially approve** an application for a building permit within a residential or mixed-use zone...

**From:** Van Gorder, Mike@HCD <Mike.VanGorder@hcd.ca.gov>  
**Sent:** Tuesday, January 31, 2023 3:57 PM  
**To:** Rosengren, Franca <Franca.Rosengren@ventura.org>; Wright, Winston <Winston.Wright@ventura.org>; Ward, Dave <Dave.Ward@ventura.org>  
**Cc:** Bernd, Gerlinde@HCD <Gerlinde.Bernd@hcd.ca.gov>  
**Subject:** RE: Meeting request

**WARNING:** If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to [Email.Security@ventura.org](mailto:Email.Security@ventura.org).

Hi Franca -

Thank you kindly for meeting with me on the issue of the Billiwhack project. After consultation with management, it is HCD's position that Government Code section 65852.2 applies to any zone that permits residential development by-right. As the Agricultural Exclusive and Open Space zones permit single-family development, the county is required to comply with all relevant language in section 65852.2, including subdivision (e)(1)(A)(i), which requires ministerial approval of one ADU and one JADU when "...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.**" For the purposes of ADU law, the designation of a primary residential dwelling renders other onsite structures accessory to that primary dwelling. Size maximums may not apply to units created in converted structures, as local development standards pursuant to subdivisions (a) through (d) may not preclude a unit created subject to subdivision (e). Therefore, NCZO section 8107-1.7.1, subdivision (a) conflicts with state law and must be amended to ministerially permit ADUs created in converted accessory structures without reference to a size limitation.



**Mike Van Gorder**  
Housing Policy Analyst  
Accountability and Enforcement Unit  
Housing & Community Development  
Phone: (916) 776-7541  
2020 W. El Camino Avenue  
Sacramento, CA 95833



Tracy Cortez · Billiwhack Ranch · 3048 N Coolidge Avenue, Los Angeles, CA 90039 · (213) 308-0015

April 15<sup>th</sup> 2022

Mr. Dave Ward  
Resource Management Agency-Planning Division  
800 South Victoria Avenue  
Ventura, California 93009  
Via Email dave.ward@ventura.org

Re: Billiwhack Ranch Zoning Clearance Application ZC20-0503 Denial, dated 7/15/2020

Dear Mr. Ward,

I'm writing today to assess the validity of the Denial Notice dated July 15, 2020, specifically for zoning clearance application ZC20-0503 Proposed Accessory Dwelling Unit Conversion at 2275 Aliso Canyon Road. Page 3 outlines "Project Consistency with State and Local Accessory Dwelling Unit Regulations" and I have found, through detailed research, that the reasons given for denial contradict State law. I have outlined my findings here and request that you carefully review and respond whether you conclude the same for each.

**Denial reason 1:** *"The proposed scope of work is located on property with a zoning designation of Agricultural Exclusive, 40-acre minimum lot six (AE-40ac) which is neither a residential or mixed-use zone in the County, and therefore, Government Code section 65852.2(e)(1)(i) is not applicable to the proposed accessory dwelling unit."*

Government Code Section 65852.2(e)(1) reads: "Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone..."

Accessory Dwelling Units are under the purview of the Housing and Community Development department. The HCD put out the [Accessory Dwelling Unit Handbook](#) to "...assist local governments, homeowners, architects, and the general public in encouraging the development of ADUs." The handbook answers many frequently asked questions. On page 9, one of the FAQs is "Are ADUs allowed jurisdiction wide?" to which the HCD answers; "Residential or mixed-use zone should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use."

Since the Billiwhack Ranch property zoning allows residential use by right, this reason for denial is incorrect.

**Denial reason 2:** *"In addition, the creamery building is not an "accessory structure" as defined by Government Code section 65852.2(j)(2)."*

Government Code Section 65852.2(j)(2) reads: ““Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.”

The County has continued to label the building in question as ‘The Creamery’ based on its original use from the late 1920s to the early 1940s. Since that time, it has not been used as a Creamery. It has been used most of its life for manufacturing, among other uses, up until as late as the 1960s. The building has had no defined use since it ceased to be used as a Creamery. The County does not label other buildings as they were originally used, rather they label original cow barns as storage. The building descriptions are not consistent. The County currently appears to be considering the building as a Creamery in their denial. The building has no current defined use and therefore it is not a primary use on the property. It can only be viewed as an accessory use, like a barn or ag storage building.

The HCD’s Accessory Dwelling Handbook references accessory structures as follows:

- Defines an “accessory structure” to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Gov. Code, § 65852.2(j)(2). (page 6)
- The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements. For example, an existing 3,000 square foot barn converted to an ADU would not be subject to the size requirements, regardless if a local government has an adopted ordinance. (page 11)
- The most common ADU that can be created under subdivision (e) is a conversion of proposed or existing space of a single-family dwelling or accessory structure into an ADU, without any prescribed size limitations, height, setback, lot coverage, architectural review, landscape, or other development standards. This would enable the conversion of an accessory structure, such as a 2,000 square foot garage, to an ADU without any additional requirements other than compliance with building standards for dwellings. (page 16)
- The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted and promoted through the state ADU law. (page 16)

Additionally, historic preservation guidelines and the California Historic Building Code promote the granting of new uses to historic structures to encourage property owners to renovate, restore, rehabilitate, and reuse historic structures rather than demolishing them.

Because this structure has no defined use it is incidental to the primary dwelling (H1) on the lot and therefore fits the definition of an accessory structure. And because the HCD’s ADU Handbook outlines that an accessory structure can be of any size, and they provide the example of a 3,000 sf barn, this reason for denial is incorrect.

**Denial reason 3:** *"The request is also inconsistent with the County's accessory dwelling unit provision under NCZO section 8107-1.7.1 et seq., which identifies the standards applicable to an accessory dwelling unit created within the existing space of a principal dwelling unit or accessory structure. These regulations allow certain accessory dwelling units in the OS and AE zones, but only within the existing space of a permitted principal dwelling unit, not in a detached agricultural accessory structure. (NCZO Sec. 8107-1.7.1(b).)"*

As noted in denial reasons 1 & 2 above, government code allows ADUs in residential and mixed-use zones where residential zones should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use. Nowhere in the law does it limit ADUs in OE or AE zones. Further, the HCD ADU Handbook provides an example of an accessory structure of a 3,000 sf barn which is an allowed ADU. For these findings, this reason for denial is incorrect.

**Denial reason 4:** *"The accessory dwelling unit is proposed to be located on a lot outside of the County's groundwater/traffic impact areas that is larger than 10 acres in size and therefore is allowed a detached accessory dwelling unit no larger than 1,800-sq. ft. pursuant to NCZO section 8107-1.7.2(a)(3), which reads: "[...] lots that are 10 acres or more in area are allowed an accessory dwelling unit with up to 4 bedrooms and a gross floor area of 1,800 square feet."*

Under Government Code Section 65852.2(e)(1), there is no limit to the size of an accessory structure converted to an ADU. The HCD ADU Handbook, page 11, states "The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements." Additionally, on the topic of bedrooms, page 13, the handbook states "State ADU law does not allow for the limitation on the number of bedrooms of an ADU. A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs." This reason for denial is incorrect.

**Violation:** Finally, with regards to the violation case no. CV-19-0100, government code 65852.2(e)(D)(2) states "A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions." Therefore, correction of violations should not prevent or delay the issuance of an approval for an ADU.

I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Cortez", with a stylized flourish at the end.

Tracy Cortez



# COUNTY of VENTURA

RESOURCE MANAGEMENT AGENCY  
**DAVE WARD, AICP**  
Planning Director

EXHIBIT C

May 10, 2022

Sent via US Mail and Email to: [tracy@racdb.com](mailto:tracy@racdb.com) and [tracy@studiocortez.com](mailto:tracy@studiocortez.com)

Tracy Cortez  
3048 N. Coolidge Avenue  
Los Angeles, CA 90039

**Subject: Response to Tracy Cortez's April 15, 2022 Letters**  
Billiwhack Ranch, LLC  
2275 Aliso Canyon Road, unincorporated area of Ventura  
Appeal Case No.: PL20-0032

Dear Mrs. Cortez:

This letter is in response to your two letters dated April 15, 2022, concerning the July 15, 2020 Notice of Denial of Zoning Clearances ZC19-0684 and ZC19-1390 (Notice of Denial) and the procedures for returning a qualified historic property to its prior use.

The first letter concerns the issuance of the Notice of Denial, which is currently being addressed under Appeal No. PL20-0032. On August 27, 2020, the Planning Commission heard this appeal and upheld the denial of the zoning clearances and denied the related appeal. In response to the Planning Commission's decision, you submitted an appeal to the Board of Supervisors, which is still open and pending. Although your April 15, 2022 letter contains inquiries/questions that have already been addressed (i.e., in the Notice of Denial, the August 27, 2020 Planning Commission staff report, and in other various correspondence and meetings), for the sake of further clarity and per your inquiry, Staff's responses are provided below in the order they are presented in your attached April 15, 2022 letter:

**Planning Staff's response to denial reason 1:** The subject property is located in the Agricultural Exclusive (AE) zone. The County does not consider the AE zone to be a "residential or mixed-use" zone and therefore, Government Code section 65852.2, subd. (e) does not apply to the proposed ADU, and the County is not required to issue a building permit for the proposed conversion. Indeed, the NCZO provisions specific to ADU's expressly differentiate between ADU requests in areas zoned AE (or Open Space) as compared to other residential or mixed-use zones such as Single-Family Residential or Rural Agricultural. (Compare NCZO Sec. 8107-1.7.1(a)(1) with Sec. 8107-1.7.1(b)(1).) The language you cite from the HCD Accessory Dwelling Unit Handbook does not compel otherwise.

**Planning Staff's response to denial reason 2:** You assert that the creamery building should be deemed an "accessory structure" to the primary dwelling on the lot. Again, however, the property is zoned AE. An application for a building permit for an ADU created within an existing "accessory structure" is only permitted within the following urban and rural residential zones: Single-Family Residential (R1), Two-Family Residential (R2), Residential Planned Development



(RPD), Residential (RES), Rural Agricultural (RA), Single-Family Estate (RO), or Rural Exclusive (RE) pursuant to NCZO section 8107-1.7.1(a). The County has adopted different regulations for ADUs created within existing space on lots zoned Open Space (OS) or AE. (See Sec. 8107-1.7.1(b).) Unlike Section 8107-1.7.1(a), Section 8107-1.7.1(b) makes no mention of "accessory structure." Rather, it only applies to an ADU created within the existing space of a "permitted principal dwelling unit" (not an accessory structure). That does not apply to the current proposal.

For purposes of the current proposal to convert the creamery building, NCZO section 8107-1.7.1(b) does not allow the option to convert an accessory structure within the AE zone unless it meets the criteria of NCZO section 8107-1.7.2 (Standards for All Other Accessory Dwelling Units). The proposed ADU conversion does not comply with the County's current ADU standards under NCZO section 8107-1.7.2. The ADU is proposed to be located on a lot outside of the County's groundwater/traffic impact areas that is larger than 10 acres in size. As such, the detached ADU shall not exceed a gross floor area of 1,800 square feet pursuant to Section 8107-1.7.2(a)(3). Your proposal would not qualify under NCZO section 8107-1.7.2 (a)(3) because the proposed ADU conversion would have a gross floor area of approximately 17,000 square feet.

Staff agree that if the subject property was located within a residential or mixed-use zone as listed under denial reason 1, above, the creamery building would be allowed to be entirely converted to an ADU with no size or bedroom limitation. Staff also agree that the County cannot limit the number of bedrooms within the 1,800-square foot ADU allowed under Section 8107-1.7.2(a)(3). However, because the property is zoned AE and the proposed ADU will not be created entirely within the existing principal dwelling on the property, the County is not required to issue a building permit to convert the existing creamery to an ADU. (Gov. Code, § 65852.2, subd. (e)(1)(A).) As described earlier, since the proposal does not meet state and local laws for ADUs to permit with a building permit, it is subject to the local standards that apply to all "other" ADUs so long as not inconsistent with state law. (NCZO Sec. 8107-1.7.2 et seq.; see also, e.g., Gov. Code, § 65852.2, subd. (a)(1)-(d), (f)-(g), (j)-(o).) The proposed ADU is subject to the standards in Section 8107-1.7.2 of the NCZO, but does not meet such standards, as explained above.

Staff have identified this building as a non-residential "creamery building" based on the 1995 Historic Resources Survey District Record within the Western Santa Clara Valley Historic Resources Survey, Phase V, dated July 1996 (See Exhibit 6 of the August 27, 2020 Planning Commission staff report), the County Tax Assessor's records, and the fact that there have been no permits issued by the Planning Division and Building and Safety Division after 1995 for a legal change of use from the creamery building to another use. Staff do not agree that because the structure is not currently being used as an agricultural building (or has not been in some time) that it automatically becomes incidental to the principal dwelling unit on the property. Even if the creamery building was somehow considered to be "accessory" to the principal dwelling on the lot, the same ADU provisions of NCZO section 8107-1.7.2 would apply since the property is zoned AE.

The HCD example regarding the conversion of a 3,000-square foot barn conversion to an ADU does not apply to your property since the property is located within the AE zone, not a residential or mixed-use zone. For example, if the property was in the Rural Agricultural (RA) zone in the county (a rural residential zone), the zone of which purpose is to provide for both residential and horticultural activities, the creamery building could be entirely converted to an ADU with no size or bedroom limit (Gov. Code, § 65852.2(e)(1)(A)).

**Denial reason 3:** Refer to Staff's responses to denial reasons 1 and 2, above.

**Denial reason 4:** Refer to Staff's responses to denial reasons 1 and 2, above.

**Violation:** The denial of the proposal to convert a non-residential structure (i.e., creamery building) to an ADU in the AE zone is not a "correction of nonconforming zoning condition(s)." (Gov. Code, § 65852.2, subd. (e)(2)). Additionally, the County has not prevented or delayed the issuance of an approval for an ADU due to a correction of violations. The request for an ADU conversion was denied because it did not meet state and local zoning regulations and not because of other non-related violations on the property.

With regard to your second letter concerning the change of occupancy/use of a qualified historic building or property under the California Historical Building Code (HBC), Staff refers you to the August 27, 2020 Planning Commission staff report, page 11 of 16, Planning Division Staff's Response to Ground of Appeal. In short, the HBC does not dictate what is permissible on the property under present zoning standards. Depending on what historic use you propose to return it to, the use would need to meet the current regulations of the Non-Coastal Zoning Ordinance (NCZO) unless zoning deviations are allowed (and the property qualifies) under NCZO section 8107-37 (Cultural Heritage Sites). A discretionary permit (i.e., Planned Development Permit) would be required for deviations under NCZO section 8107-37, as well as review by the Cultural Heritage Board.

If you have questions, please contact Ms. Franca Rosengren, Senior Planner, by phone at (805) 654-2045 or by email at [Franca.Rosengren@ventura.org](mailto:Franca.Rosengren@ventura.org). Alternatively, you may contact Winston Wright, Planning Manager, by phone at (805) 654-2468 or by email at [Winston.Wright@ventura.org](mailto:Winston.Wright@ventura.org).

Sincerely,

  
Dave Ward, AICP, Director  
Ventura County Planning Division

Attachment: Tracy Cortez's April 15, 2022 Letters

C: Tracy and Rick Cortez, 3048 North Coolidge Avenue, Los Angeles, CA 90039  
John Hecht, Sespe Consulting, via email  
Peter Goldenring, Pachowicz & Goldenring, A Professional Law Corporation, via email

Response Letter to Ms. Tracy Cortez  
Re: Billiwhack Ranch Appeal No. PL20-0032  
May 10, 2022  
Page 4 of 4

Dean Phaneuf, RMA, Code Compliance Division  
Amanda Ahrens, RMA, Code Compliance Division  
Maruja Clensay, Board Aide, Board of Supervisor Matt LaVere

## ASSESSMENT OF HCD COMMENTS (FROM LETTER DATED SEPTEMBER 5, 2023) REGARDING COUNTY OF VENTURA'S ADOPTED ADU ORDINANCE; AS DISCUSSED ON OCTOBER 11, 2023

### October 11, 2023 Meeting Attendees:

**County of Ventura:** Dave Ward, Ruchita Kadakia

**HCD Staff:** David Garza, Jamie Candelaria, Mike Van Gorder

	HCD COMMENT	RESPONSE FROM PLANNING DIVISION
1	<b>Section 8107-1.7.2 – Citations</b> – The Ordinance incorrectly cites state statute in their definitions for “Passageway,” “Proposed Dwelling,” “Public Transit,” and “Tandem Parking.” Passageways are defined in Government Code section 65852.2, subdivision (j)(8); proposed dwellings are defined in subdivision (j)(10); public transit is defined in subdivision (j)(11); and tandem parking is defined in subdivision (j)(12). The County must amend the Ordinance accordingly.	<ul style="list-style-type: none"> <li>• Comment is consistent with ADU law.</li> <li>• Citations were corrected administratively following adoption of the ADU Ordinance by the Board of Supervisors.</li> <li>• Section 8107-1.7.2 reflects these corrected citations already.</li> </ul> <p><b>County Planning Recommendation:</b> No revision is necessary.</p>
2	<b>Section 8017-1.7.4 (a)(1) and (b)(1) – JADUs and Zoning</b> – The Ordinance lists zones where ADUs and JADUs may be created. This list includes RPD and CPD/CBD, neither of which permit the development of single-family dwellings. Government Code section 65852.22, subdivision (a)(1), provides for the creation of JADUs in areas “zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.” Therefore, JADUs may not be allowed in the RPD, CPD/CBD, or any other zone that does not allow single-family dwelling development. The County must amend the Ordinance to comply with State ADU Law.	<ul style="list-style-type: none"> <li>• Comment is consistent with ADU and JADU law.</li> <li>• Pursuant to Sec. 8107-1.7.4(a)(4) and Sec. 8107-1.7.4(b)(4), JADUs must <i>also</i> comply with the requirements of Government Code section 65852.22 and Sec. 8107-1.7.6.</li> <li>• JADU requirements in Sec. 8107-1.7.6(a) specifies that JADUs are limited to lots zoned: R1, R2, RES, RPD, RA, or RO. JADUs are <u>not</u> allowed in the CPD/CBD zone, however, they are allowed in the RPD zone.</li> <li>• Contrary to HCD’s comment, single-family dwellings are allowed in the RPD zone with a discretionary Planning Commission-approved Planned Development Permit.</li> </ul> <p><b>County Planning Recommendation:</b> Planning Division will revise ordinance to delete RPD zone from the list of zones where JADUs are allowed.</p> <p><i>Note for HCD: Removing the zone is more restrictive.</i></p>



	HCD COMMENT	RESPONSE FROM PLANNING DIVISION
3	<p><b>Section 8107-1.7.4 (b), 8107-1.7.5 (b) – ADU Allowance</b> – The Ordinance states that a new detached ADU “may be combined with a JADU if all the following standards are met....” This implies that the unit combination of a converted ADU and a new detached ADU are not allowed. It later states, “Each lot may have one ADU if the standards of this Section 8107-1.5(b) are met, and one JADU if the standards of this Section 8107-1.5(b) are met.” This limits allowable ADU combinations to one ADU and one JADU.</p> <p>However, Government Code section 65852.2, subdivision (e)(1), states, “Notwithstanding subdivisions (a) to (d), 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: (A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling...(i) 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.” Subparagraph (B) permits “One 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 an enumeration of by right ADU types permitted indicate 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. HCD notes that the Legislature, in creating the list, did not use “or” or “one of” to indicate only one or another would be applicable to the exclusion of the other. This subdivision applies equally to ADUs created pursuant to Government Code section 65852.2,</p>	<ul style="list-style-type: none"> <li>• The ADU law is not clear as to this issue. HCD clarification requested during meeting on October 11, 2023.</li> <li>• While HCD cites to language in Sec. 8107-1.5(b), that section applies only to “ADUs <i>not authorized under Sec. 8107-1.7.4.</i>” In other words, the provision cited by HCD that imposes a maximum of one ADU and one JADU provided the criteria in Sec. 8107-1.7.5 and 8107-1.7.6 are met, do not apply to ADUs authorized by Government Code section 65852.2(e).</li> <li>• Sec. 8107-1.7.4 addresses ADUs authorized by Government Code section 65852.2(e) (i.e., Building Permit only ADUs), while Sec. 8107-1.7.5 addresses all other ADUs (i.e., ADUs requiring a Zoning Clearance). Unlike building permit only ADUs, ADUs requiring a Zoning Clearance are subject to development standards consistent with Government Code section 65852.2, subd. (a).</li> </ul> <p><b>County Planning Recommendation:</b> Based on discussion with HCD on October 11, 2023, regarding their interpretation of Government Code section 65852.2 subd. (e), County will revise ordinance to allow a property owner of a lot with a single-family dwelling in a residential or mixed-use zone to develop their lot with up two ADUs (one ADU created by converting existing space within the SFD or an accessory structure, and another detached new construction ADU), in addition to one JADU provided they meet the statutory criteria.</p>

	HCD COMMENT	RESPONSE FROM PLANNING DIVISION
	subdivisions (e)(1)(C) and (D), on lots with proposed or existing multifamily dwellings. Limiting single-family lots to one ADU would prevent property owners from creating ADUs by right under subdivision (e)(1). The County must revise the Ordinance to remove this restriction.	
4	<p><b>Section 8107-1.7.4 (d)(3) – Detached Size Maximum (for ADUs on lots with multifamily dwellings)</b> – The Ordinance states that “new construction ADUs shall not exceed 1,200 square feet.” However, there are no size maximums stated in Government Code section 65852.2, subdivision (e)(1)(D). Subdivision (e)(1)(D) requires that ADUs created in multifamily developments pursuant to this subdivision only meet the height requirements prescribed in subdivision (c)(2)(D), be detached from the multifamily structure, and meet four-foot side and rear yard setbacks. No additional standards are required. The local design standards provided by the Ordinance pursuant to Government Code section 65852.2, subdivisions (a) through (d), may not preclude a unit built subject to subdivision (e). Therefore, a unit subject to subdivision (e)(1)(D) may not be subject to a maximum size. The County must remove this section.</p>	<ul style="list-style-type: none"> <li>Conflicts with guidance from HCD regarding permissible size limits on new construction detached ADUs, specifically see e-mail from Gerlinde Bernde with HCD to Ruchita Kadakia dated January 30, 2023. (Mike VanGorder copied to this email). Excerpted response from HCD provided below:   <i>“GC 65852.2(e)(1)(D) allows for not more than two detached ADUs located on a lot with an the exiting multifamily dwelling. Although this section does not specify the allowable size of the ADUs, your restriction to a maximum size of 850 square feet each would be too limiting. You could limited the size of new detached ADUs to 1,200 square feet each, but there is no size limitation for conversions.”</i>   <i>For a full exploration of the size limits, please see our ADU Handbook: ADU Handbook, pp. 13-14.</i> </li> <li>As noted, Planning specifically consulted with HCD on this issue and increased the applicable size limitation for new construction ADUs from 850 square feet to 1,200 square feet.</li> </ul> <p><b>County Planning Recommendation:</b> Based on previously received HCD guidance, retain the max. size limit of 1,200 sq. ft for detached ADUs on lots with multifamily dwellings. The ADU Handbook does not address this issue.</p> <p>Also note that the County allows these new detached ADUs to be developed as a duplex.</p>
5	<p><b>Section 8107-1.7.4 (d)(5) – Detachment Requirement</b> – The Ordinance states that detached units “must be detached from the</p>	<ul style="list-style-type: none"> <li>Comment is consistent with ADU law.</li> </ul>



	HCD COMMENT	RESPONSE FROM PLANNING DIVISION
	<p>existing or proposed multifamily dwelling and from other accessory structures.” However, Government Code section 65852.2, subdivision (e)(1)(D), only requires that such units are “detached from that multifamily dwelling....” The subdivision does not require that the ADU be detached from other accessory structures; therefore, the section, as written, is more stringent than State ADU Law. The County must remove the phrase “and from other accessory structures.”</p>	<p><b>County Planning Recommendation:</b> Accept this interpretation from HCD, and revise Sec. 8107-1.7.4(d)(5) to read as follows:</p> <p>“(5) Detached ADUs may be attached to each other, but must be detached from the existing or proposed multifamily dwelling <del>and from other accessory structures on the lot.</del>”</p>
6	<p><b>Section 8107-1.7.5 (h)(3) – <i>Converted Size Maximums</i></b> – The Ordinance requires that ADUs within converted spaces “[do] not exceed the size maximums for attached or detached ADUs....” ADUs that are created from existing space of single-family dwellings are created pursuant to Government Code section 65852.2, subdivision (e). Local design standards provided by the Ordinance pursuant to subdivisions (a) through (d) may not preclude a unit built subject to subdivision (e). Therefore, no size maximums may apply to any converted unit, whether within the primary dwelling or an accessory structure. The County must remove this reference.</p>	<ul style="list-style-type: none"> <li>• Comment reflects a misunderstanding of how Section 8107-1.7.5 applies. The structure of the ordinance was explained to HCD on October 11, 2023 outlining the distinction between ADUs authorized by Section 8107-1.7.4 (Gov. Code 65852.2, subd. (e) - Building Permit only ADUs) and those authorized by Section 8107-1.7.5 (ADUs not meeting subd. (e) criteria and subject to development standards consistent with Gov. Code 65852.2, subd. (a), requiring a Zoning Clearance.)</li> <li>• Section 8107-1.7.5 does not apply to Government Code section 65852.2, subdivision (e) ADUs.</li> <li>• Section 8107-1.7.5 details the development standards that apply to ADUs not authorized by Section 8107-1.7.4, in other words that section only applies to ADUs that do not qualify for approval with only a building permit pursuant to Government Code section 65852.2, subdivision (e).</li> <li>• Section 8107-1.7.5 does not preclude units built pursuant to Government Code section 65852.2, subdivision (e) as such units are governed by Section 8107-1.7.4 and are not subject to any of the development standards in Section 8107-1.7.5.</li> <li>• Section 8107-1.7.5 primarily applies to ADUs in the OS and AE zone – which are not a “residential or mixed-use” zone in the context of the County’s Ordinance.</li> </ul> <p><b>County Planning Recommendation:</b> Retain section as is based on clarifications and distinctions provided to HCD on October 11, 2023 between Sec. 8107-1.7.4 and 8107-1.7.5. No revisions are necessary.</p>

	HCD COMMENT	RESPONSE FROM PLANNING DIVISION
7	<p><b>Section 8107-1.7.5 (i)(1) – Design Requirements</b> – The Ordinance states, “No accessory structure shall be attached to a detached ADU unless the combined total floor area... does not exceed the allowable size.” However, adjacency to an accessory structure is a local design requirement that may not preclude units subject to Government Code section 65852.2, subdivision (e). Therefore, the County must note the exceptions or remove this section.</p>	<ul style="list-style-type: none"> <li>• Comment reflects a misunderstanding of how Section 8107-1.7.5 applies.</li> <li>• Section 8107-1.7.5 does not preclude units built pursuant to Government Code section 65852.2, subdivision (e) as such units are governed by Section 8107-1.7.4 and are not subject to any of the development standards in Section 8107-1.7.5.</li> </ul> <p><b>County Planning Recommendation:</b> Retain section as is based on clarifications and distinctions provided to HCD on October 11, 2023 between Sec. 8107-1.7.4 and 8107-1.7.5. No revisions are necessary.</p>
8	<p><b>Section 8107-1.7.6 (a)(4) – JADUs with Multi Single Family Homes</b> – The Ordinance states, “Lots with multiple detached single-family dwellings are not eligible to have a JADU.” However, Government Code section 65852.22, subdivision (a)(1), limits “the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.” (Emphasis added.) Therefore, if the lots are zoned for the development of single-family residences, one JADU may be permitted on a lot with multiple detached single-family dwellings. Please note that this is one JADU per lot, not per single-family home on such a lot. The County must amend the Ordinance to comply with statute.</p>	<ul style="list-style-type: none"> <li>• Comment conflicts with HCD Guidance, see ADU Handbook (last updated July 2022) at page 3, available at <a href="https://www.hcd.ca.gov/sites/default/files/2022-07/ADUHandbookUpdate.pdf">https://www.hcd.ca.gov/sites/default/files/2022-07/ADUHandbookUpdate.pdf</a>, which provides:  “JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family dwellings are not eligible to have JADUs. (Gov. Code, § 65852.22, subd. (a)(1).)”</li> </ul> <p><b>County Planning Recommendation – HCD’s</b> Comment contradicts HCD Guidance in the Handbook. HCD staff provided additional information during meeting on October 11, 2023, that a new handbook will be published in Jan 2024, which will allow for one JADU on a lot with multiple single-family dwellings. County will revise language according to the updated handbook once published.</p>
9	<p><b>Section 8107-1.7.7(b)(2) – Zoning Clearance</b> – The Ordinance requires a “ministerial Zoning Clearance” if a proposed ADU does not meet the standards of Section 8107-1.7.4. However, Government Code section 65852.2, subdivision (c)(2)(C), prohibits “[a]ny requirement for a zoning clearance or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a</p>	<ul style="list-style-type: none"> <li>• Comment appears to conflict with or misapply Gov. Code section 65852.2, subdivision (c)(2)(C) which, as to a ministerial Zoning Clearance requirement, must be read as prohibiting a local agency from establishing by ordinance:  “Any requirement for a zoning clearance or separate zoning review ... that does not permit at least an 800 square foot accessory dwelling</li> </ul>

	HCD COMMENT	RESPONSE FROM PLANNING DIVISION
	<p>percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.” (Emphasis added.) The County must amend the Ordinance and remove the zoning clearance requirement.</p>	<p>unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.”</p> <ul style="list-style-type: none"> <li>While ADUs subject to Section 8107-1.7.5 require a Zoning Clearance, Section 8107-1.7.5, ADUs that are 850 square feet in size are expressly permitted, and in some cases depending on lot size can be more than double that size (up to 1,800 square feet). Moreover, Sec. 8107-1.7.5(j) makes clear that, notwithstanding the application of certain development standards, an ADU that is up to 850 square feet with four foot side and rear setbacks may be built in compliance with all other applicable development standards.</li> <li>The County’s ordinance is more lenient than state law by allowing a broader exception to development standards for ADUs 850 square feet in size.</li> </ul> <p><b>County Planning Recommendation:</b> Retain section as is based on clarification provided to HCD on October 11, 2023, where staff explained Section 8107-1.7.5(j), which implements Gov. Code section 65852.2, subdivision (c)(2)(C) and that ADUs 850 square feet and larger are permitted with a Zoning Clearance. No revision is necessary.</p>
10	<p><b>Section 8119-1.3.3 (a) – Placement</b> – The Ordinance states, “Buildings, Accessory Dwelling units (ADU) pursuant to Sec. 8107-1.7.5, and other habitable/non-habitable accessory buildings shall be located within the building site per Table 1.3.3(a) below.” Table 1.3.3(a) allows ADU placement exclusively in the rear of any primary dwelling. However, Government Code section 65852.2, subdivision (c)(2)(C), prohibits “[a]ny requirement for a zoning clearance or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and</p>	<ul style="list-style-type: none"> <li>Comment reflects a misunderstanding of how Sections 8119-1.3.3 and 8107-1.7.5 apply.</li> <li>Section 8119-1.3.3 (of the Old Town Saticoy Development Code) specifically provides that: “Buildings, Accessory Dwelling units (ADU) pursuant to Sec. 8107-1.7.5, and other habitable/non-habitable accessory buildings shall be located within the building site per Table 1.3.3(a) below, except that setbacks for ADUs shall be consistent with Sec. 8107-1.7.5. Setbacks are measured as per Sec. 8106-4.”</li> <li>The standard above applies only to ADUs subject to Sec. 8107-1.7.5 that require a Zoning Clearance. ADUs proposed within Old Town Saticoy that do not meet the criteria in Government Code section 65852.2, subd. (e) and Sec. 8107-1.7.4 of the ADU ordinance,</li> </ul>

	HCD COMMENT	RESPONSE FROM PLANNING DIVISION
	<p>rear yard setbacks to be constructed in compliance with all other local development standards.” (Emphasis added.) Therefore, the Ordinance may not preclude an 800 square-foot unit subject to all other local design standards, and the attached or detached ADU may be located, partially or completely, in the front setback.</p>	<p>are subject to the development standards in Sec. 8107-1.7.5 as well as any applicable standards in the Saticoy Area Plan, including Sec. 8107-1.7.5(j) which provides for an exception to development standards if the standard would preclude construction of at least an 850 square foot ADU with four foot side and rear setbacks. As such, contrary to HCD’s comment, the ordinance does not preclude an 800 square foot unit from being partially or completely located in the front setback. Note that “front setback” is specifically listed in Sec. 8107-1.7.5(j) as one of the development standards that will be waived/excepted to allow construction of an 850 square foot unit. Also, Sec. 8119-1.3.3 specifically states that ADU setbacks shall be consistent with Sec. 8107-1.7.5.</p> <p><b>County Planning Recommendation:</b> Retain section as is based on clarification provided to HCD on October 11, 2023, where staff explained that Section 8107-1.7.5, including the exception to development standards pursuant to subdivision (j) applies equally to ADUs in Old Town Saticoy. No revisions are necessary.</p>

**April 4, 2024**

**Planning Commission Hearing**

**Non-Coastal Zoning Ordinance Amendments  
for Accessory Dwelling Units and Junior  
Accessory Dwelling Units (PL24-0014)**



**Resource Management Agency, Planning Division  
Ruchita Kadakia, Manager,  
Housing and State Mandates**



# Intent for Today's Presentation

1. Background
2. Proposed Amendments to the Non-Coastal Zoning Ordinance
3. CEQA Exemption and Findings
4. Public Outreach and Comments
5. Recommended Actions







# Background

# 2021-2029 Housing Element Sites Inventory (6<sup>th</sup> Cycle RHNA)

## ADUs and JADUs:

- ~44% of overall RHNA
- Consist of almost half of all low-income units

## ADU/JADU Progress:

- 2021-22 : 108 units
- 2023 : 170 units

**Total : 278 units (50%)**

	Lower Income (less than 80% of median)	Moderate Income (80-120% of median)	Above- Moderate Income (greater than 120% of median)	TOTAL
RHD Zoned Sites	220	-	30	250
ADUs and JADUs	258	235	67	560
Farmworker and Animal Caretaker Dwelling Units	8	-	-	8
<b>Approved Residential Projects</b>				
CSUCI University Glen Phase 2	170	310	120	600
Somis Ranch Farmworker Housing Complex <sup>33</sup>	200	-	-	200
Rancho Sierra Supportive Housing	50	-	-	50
Reider Tract (Piru)	5	44	-	49
Finch Tract (Piru)	-	113	62	175
<b>Vacant Sites in Existing Communities</b>				
Camarillo Heights/Las Posas Estates	-	-	51	51
Bell Canyon	-	-	62	62
Santa Rosa Valley	-	-	12	12
Lake Sherwood	-	-	76	76
<b>Total</b>	<b>911</b>	<b>702</b>	<b>480</b>	<b>2,093</b>
<b>2021-2029 RHNA Target</b>	<b>544</b>	<b>250</b>	<b>468</b>	<b>1,262</b>
Surplus (percent of RHNA)	367 (67%)	452 (181%)	12 (3%)	831 (66%)

# Purpose of Amendment to ADU/JADU Regulations

- |                            |   |
|----------------------------|---|
| <b>February 7, 2023:</b>   | Ord. No 4615 Adopted by Board of Supervisors  |
| <b>April 5, 2023:</b>      | Ordinance Submitted to HCD for certification  |
| <b>September 5, 2023:</b>  | Response received from HCD <ul style="list-style-type: none"><li>• Included 10 revisions</li></ul>  |
| <b>September 28, 2023:</b> | County response to HCD  |
| <b>October 11, 2023:</b>   | Meeting with HCD <ul style="list-style-type: none"><li>• Provided an overview of Ordinance structure</li><li>• HCD agreed that only four (4) revisions need to be included in revised ordinance</li></ul> |



# Proposed Amendments to the Non-Coastal Zoning Ordinance (Article 7)

# ADU Definition (Sec. 8102-0)

## **Dwelling Unit, Accessory (ADU) -**

An attached or a detached residential dwelling unit, or a unit within the existing space of a primary dwelling unit, which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the proposed or existing single-family or multifamily dwelling. An accessory dwelling unit also includes the following:

- (a) An efficiency unit, as defined in section 17958.1 of the Health and Safety Code; and
- (b) A manufactured home, as defined in section 18007 of the Health and Safety Code.

**Governed by Government Code 65852.2**

# Junior Accessory Dwelling Units (Sec. 8107-1.7.6)

## **Dwelling Unit, Junior Accessory (JADU) –**

A dwelling unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family dwelling. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

**Governed by Government Code 65852.22**



# Proposed Amendments (Section 8107-1.7 – ADUs and JADUs)

8107-1.7.1: Purpose

8107-1.7.2: Definitions (*specific to this Section*)

8107-1.7.3: Types of ADUs

8107-1.7.4: ADUs allowed with a Building Permit  
(*Building Permit ADUs*)

8107-1.7.5: Development Standards for ADUs Not Authorized  
under Section 8107-1.7.4 (*ADUs allowed by Zoning Clearance*)

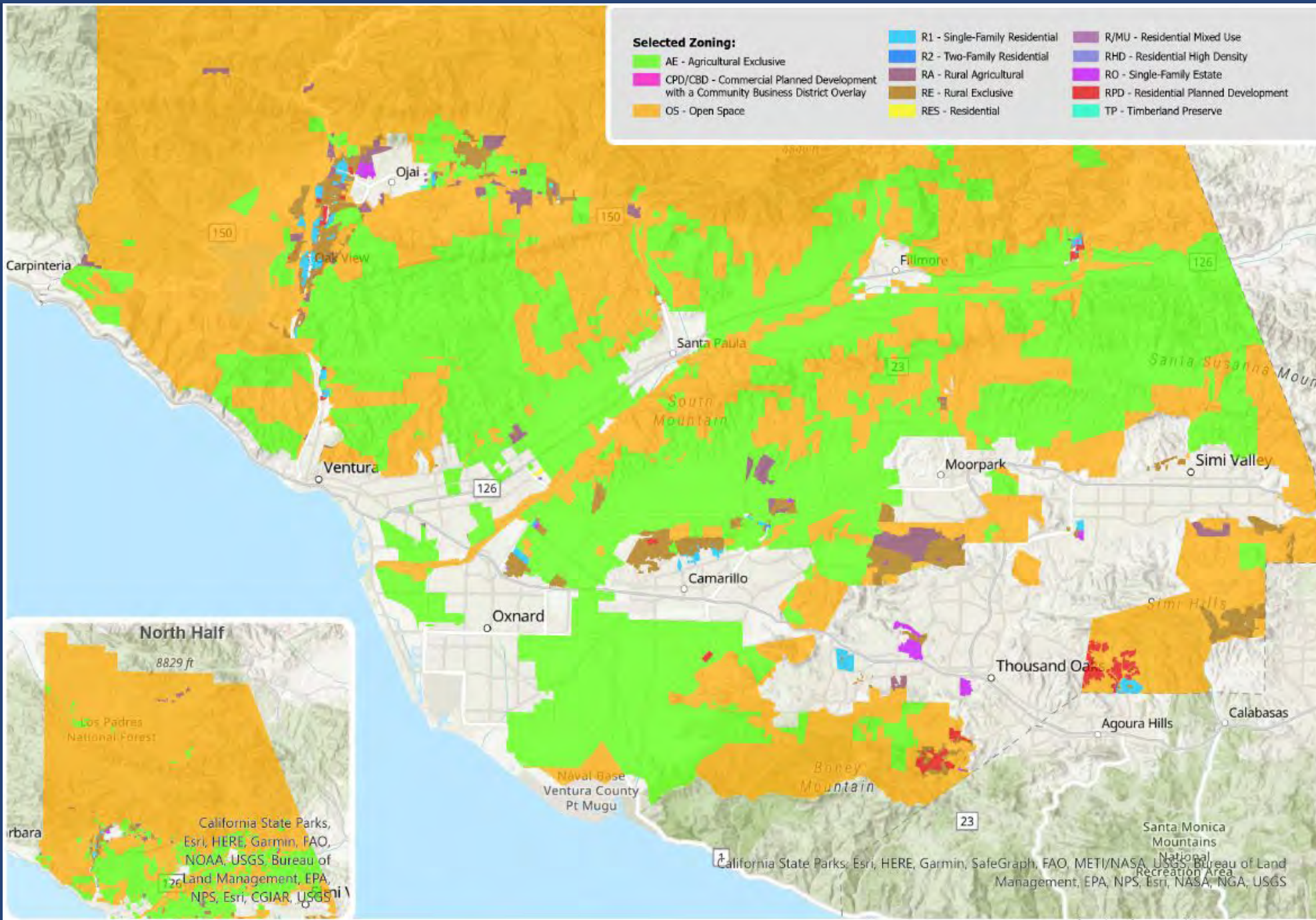
8107-1.7.6: JADU requirements

8107-1.7.7: Application Processing and General Requirements

# ADUs Allowed by Permit and Zone

TYPE OF ADU		ZONING CLASSIFICATION												
		R1	R2	RES	RPD	R/MU	RHD	RA	RE	RO	CPD/ CBD	OS	AE	TP
Building Permit ADUs (8107-1.7.4)	Within Space of Single-Family Dwellings and Accessory Structures (Sec. 8107-1.7.4(a))	BP	BP	BP	BP	BP	X	BP	BP	BP	BP	X	X	X
	New Detached ADU with an Existing or Proposed Single-Family Dwelling (Sec. 8107-1.7.4(b))	BP	BP	BP	BP	BP	X	BP	BP	BP	BP	X	X	X
	ADUs in Existing Multifamily Dwelling Structures (Sec. 8107-1.7.4(c))	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	X	X	X
	Detached ADUs with Existing Multifamily Dwelling (Sec. 8107-1.7.4(d))	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	X	X	X
All other ADUs not authorized under Sec. 8107-1.7.4(a) through (d) (Sec 8107-1.7.5)		ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
JADUs	JADUs (can be combined with an attached or detached ADU in a single-family dwelling) (Sec. 8107-1.7.6)	BP	BP	BP	BP	X	X	BP	BP	BP	X	X	X	X
		BP - Building Permit Only			ZC - Zone Clearance			X - Not Allowed			10			

# Location of Allowable Zones for ADUs and JADUs



# Summary of Proposed Amendments

1. **HCD recommended revisions** (Sections 8107-1.7.4 and 1.7.6)
2. **Revisions to incorporate new state legislation** (AB 976 and AB 1033)
3. **Staff recommended Revisions for Consistency and Clarification**  
(Sections 8107-1.7.5 and 1.7.7)



# Revisions to Number of ADUs on residential/mixed-use lots







(Sec. 8107-1.7.4(a) and (b))

## 1. HCD recommended revision

- Allow 2 ADUs with a Building Permit on residential and mixed-use lots with an existing or proposed single family dwelling

## 2. Staff recommended revision for consistency

- Allow 2 ADUs on all residential and mixed-use zones, if they meet criteria

Building Permit ADUs (Sec. 8107-1.7.4)		Zoning Clearance ADUs (Sec. 8107-1.7.5)
(a) Within Space of Single-Family Dwelling and Accessory Structure (Conversion)	(b) New Detached ADU	Attached <u>or</u> Detached ADU on residential or mixed-use lot ( <b>only</b> ), meeting criteria
HCD → 		
Staff ↪ 		
		

# What is being revised?

## Example:

Parcel zoned RA

Lot size: 2 acres

Existing single-family dwelling on lot

Pick **One** ADU option from  
A, B, C, or D



**One JADU**  
(Per 8107-1.7.6)

## Options Available with Current Ordinance



**A. Conversion ADU**



**B. Detached ADU**

Building Permit  
ADUs (8107-1.7.4)



**C. Attached ADU**



**D. Larger Detached ADU**

Zoning Clearance  
ADUs (8107-1.7.5)





# What is being revised?

## Example:

Parcel zoned RA;

Lot size: 2 acres

Existing single-family dwelling on lot

Can build **Two** ADUs on the lot from following options:

A and B (both with BP); or

A and C or D (one BP, one ZC); or

B and C (one BP, one ZC)



**One JADU**  
(Per 8107-1.7.6)

BP = Building Permit  
ZC – Zone Clearance

## Options Available with **Proposed** Ordinance



**A. Conversion ADU**



**B. Detached ADU**

Building Permit  
ADUs (8107-1.7.4)



**C. Attached ADU**

**OR**



**D. Larger Detached ADU**

Zoning Clearance  
ADUs (8107-1.7.5)

# Example 1: Residential or Mixed-Use Parcel with existing SFD+ADU


**Example 1:**

Parcel zoned RA; Lot size: 2 acres

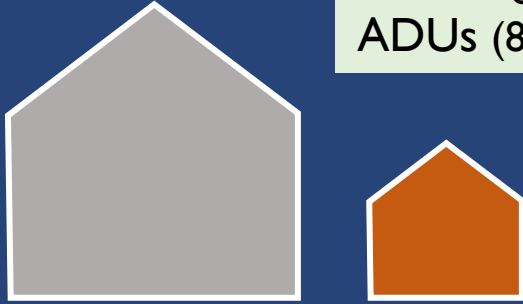
Existing single-family dwelling on lot

Existing Detached ADU = 1,200 sq. ft.  
(Per 1.7.5)

## Options Available with Proposed Ordinance



A. Conversion ADU



B. Detached ADU


Building Permit ADUs (8107-1.7.4)

Can build one more ADU:

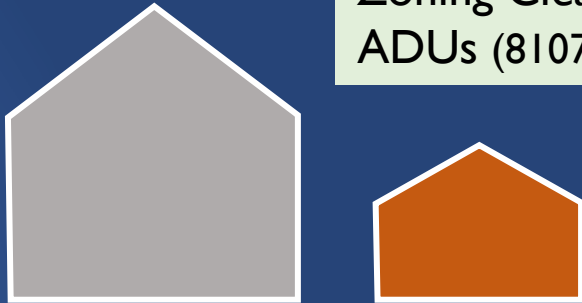
A. Conversion ADU

+

One JADU  
(Per 8107-1.7.6)



C. Attached ADU



D. Larger Detached ADU

Zoning Clearance ADUs (8107-1.7.5)


# Example 2: Open Space Parcel with existing SFD+ADU

## Example 2:

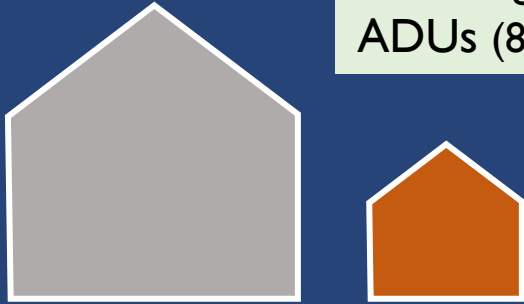
Parcel zoned OS; Lot size: 20 acres  
Existing single-family dwelling on lot  
Existing Detached ADU = 1,800 sq. ft.  
(Per 1.7.5)

Cannot build any more ADUs:  
OS, AE and TP are not residential or  
mixed-use zones  
  
No JADU allowed

## Options Available with Proposed Ordinance




A. Conversion ADU

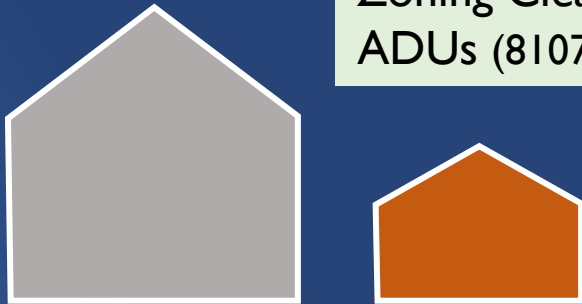


B. Detached ADU

Building Permit  
ADUs (8107-1.7.4)




C. Attached ADU



D. Larger Detached ADU

Zoning Clearance  
ADUs (8107-1.7.5)



# HCD Revisions to Detached ADUs on multifamily lots (Sec. 8107-1.7.4(d)(5))

- Detached ADUs on lots with an existing or proposed multifamily dwelling
  - Must be detached from the primary structure;
  - Can be attached to each other; and
  - Can be attached to accessory structures

# HCD Revisions to JADUs (Sec. 8107-1.7.6)

- Allowable zones for JADUs:
  - RI, R2, RES, ~~RPD~~, RA, RE, or RO
- One JADU is allowed on a lot with multiple detached single-family dwellings
  - HCD Handbook revision anticipated in 2024 to reflect this change

**Lot with Two Single-Family Dwellings**



# Other Revisions

- Incorporate new state law provisions, effective January 1, 2024
  - AB 976
  - AB 1033
- Minor revisions for consistency and clarifications





# CEQA Exemption and Ordinance Amendment Findings

# CEQA Exemption

The Proposed Ordinance (**Exhibit 5**) is exempt from CEQA review pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance to implement the provisions of Government Code section 65852.2.

# NCZO Amendment Findings

Pursuant to NCZO Section 8115-0, the proposed NCZO Amendment to Article 7 (**Exhibit 5**):

- Would not be detrimental to the public health, safety or general welfare;
- Represents good zoning practice; and
- Is consistent with the Ventura County General Plan



Public Outreach and Public Comments Received

# Public Information

- Updates to websites providing most recent information
- Legal Notice published in VC Star and Vida
- Email to Interested parties list
- ADU Homeowner Tools guidebook in progress

<https://vcrma.org/en/accessory-dwelling-unit-permits>  
<https://vcrma.org/en/accessory-dwellings-farmworker-dwellings>

REGULATIONS FOR ADUS AND JADUS

\* Note: Zoning designations and their abbreviations used below refer to the following zones. See the [Non-Coastal Zoning Ordinance](#) for all other requirements regarding the zone:

Single-Family Residential (R1)	Residential Mixed Use (R/MU)
Two-Family Residential (R2)	Residential High Density (RHD)
Residential (RES)	Rural Agricultural (RA)
Residential Planned Development (RPD)	Rural Exclusive (RE)
Single-Family Estate (RO)	

A. ADUs and JADUs allowed with a Building Permit

The new state regulations allow for the development of an ADU or JADU to apply directly for a building permit for construction, if it meets the criteria listed below.

1. ADUs Within Space of Single-Family Dwellings and Accessory Structures

One ADU and one JADU per lot within a portion of a proposed or existing single-family dwelling with exterior access or created by converting existing space of a residential accessory structure. Setbacks must comply with building and fire code, even if existing setbacks are legal non-conforming.



(ADUs Within Space of Single-Family Dwellings and Accessory Structures)

Zones allowed\*: R1, R2, RES, RPD, R/MU, RA, RE, RO Zones, or Commercial Planned Development within a Community Business District overlay zone (CPD/CBD).

Proposed Single-Family Dwelling

A new construction ADU is allowed on a lot with a proposed or existing single-family dwelling and may be combined with a JADU. The new detached ADU: must have a maximum size of 800 square feet, must have minimum 4-foot side and rear setbacks, and must be no taller than 16 feet above grade.

Zones allowed\*: R1, R2, RES, RPD, R/MU, RA, RE, RO Zones, or Commercial Planned Development within a Community Business District overlay zone (CPD/CBD).

Accessory Structures

Portions of existing multifamily dwelling space (e.g., garage, carports, storage, etc.). The number of ADUs must be at least one ADU, or the number of ADUs must be the same as the number of multifamily dwelling units, whichever is greater. On the same lot as ADUs in existing multifamily dwelling units, must choose one of the options between 3 and 4.



(ADUs in Existing Multifamily Dwelling Structures)

Zones allowed\*: R1, R2, RES, RPD, R/MU, RA, RE, RO Zones, or Commercial Planned Development within a Community Business District overlay zone (CPD/CBD).

Standardized Floorplan Options


Three layouts are available to use for 1, 2, and 3-bedroom units! Click on the image for each option below to see the floor plan (with a furniture layout) and an illustrative rendering of that plan. Construction drawings for each option are available below the image.

The illustrative rendering directly represents the construction drawings reviewed and pre-approved by the Building and Safety Division. While you cannot change the size or location of features included in the plans (such as location of doors, air vents, plumbing connections, etc.), you can personalize the look of your unit by changing the appearance of some features! This includes paint, siding and other façade materials, trims and frames for doors and windows, outdoor light fixtures etc. Please note that some of the changes in features may require approval from the Building and Safety Division.

You can also add a patio cover to any of these standardized plans as long as it meets the requirements in Building and Safety Handout B17.


Click on the images below for more details on each option.

1 Bedroom | 700 sq. ft.




700 sq. ft. Construction drawings

2 Bedroom | 900 sq. ft.



900 sq. ft. Construction drawings

3 Bedroom | 1,188 sq. ft.



1,188 sq. ft. Construction drawings



## Recommended Actions



# Recommended Actions

1. **CERTIFY** that your Commission has reviewed and considered this staff report and all exhibits hereto, and has considered all comments received during the public comment and hearing process;
2. **ADOPT** a Resolution (**Exhibit 3**) recommending that the Board of Supervisors take the following actions regarding the Proposed Ordinance:
  - a. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Planning Commission staff report and all exhibits thereto and has considered all comments received during the public comment and hearing process; and

# Recommended Actions

- b. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission staff report, that the adoption of the Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance to amend regulations for accessory dwelling units and junior accessory dwelling units consistent with Government Code Sections 65852.2 and 65852.22 (**Exhibit 5**) is exempt from CEQA review pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Government Code section 65852.2; and
- c. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D of the Planning Commission staff report, that the Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance (**Exhibit 5**) is consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and is in the interest of public health, safety and general welfare; and

# Recommended Actions

- d. **ADOPT** the Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance (**Exhibit 5**); and
- e. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

The Board of Supervisors hearing for adoption of the Proposed Ordinance is tentatively scheduled for **June 4, 2024**



Questions?

# Planning Commission Public Comments (Zoom)

## Comentarios Públicos de la Comisión de Planificación (Zoom)

**CASE NUMBER PL24-0014**

**Agenda Item # 6A**

**FOR PARTICIPANTS ON ZOOM**

**[https://ventura-org-rma.zoom.us/webinar/register/WN\\_cDIGfeVFQQKAnZVRWCxSHA#/registration](https://ventura-org-rma.zoom.us/webinar/register/WN_cDIGfeVFQQKAnZVRWCxSHA#/registration)**

Members of the public who wish to speak, please press the raise hand button on Zoom now and you will be connected at the appropriate time.

This is for agenda item # 6A

**NÚMERO DE CASO PL24-0014**

**Punto del Orden del Día # 6A**

**PARA PARTICIPANTES EN ZOOM**

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Miembros del público que deseen hablar, presionen el botón de levantar la mano en Zoom ahora y se conectarán en el momento apropiado.

Esto es para el tema de la agenda # 6A