

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

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April 22, 2026

Denise Muñoz, Director
Department of Economic and Community Development
City of Chowchilla
130 S 2nd Street
Chowchilla, CA 93610

Dear Denise Muñoz:

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

Thank you for submitting the City of Chowchilla (City) ADU Ordinance No. 529-25 (Ordinance), adopted June 24, 2025, to the California Department of Housing and Community Development (HCD). The Ordinance was received on October 10, 2025. HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance fails to comply with State ADU Laws in the manner noted below. Pursuant to Government Code section 66326, subdivision (b)(1), the City has up to 30 days to respond to these findings. Accordingly, the City must provide a written response to these findings no later than May 21, 2026, with a plan to either amend the current ordinance or adopt a resolution with findings.¹ Responses should be submitted formally on agency letterhead.

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

1. Please note, there is recent legislation that amended State ADU Law. Language relevant to these changes should be incorporated into the Ordinance as it is updated. The bills referenced below are relevant to State ADU Law:
 - Assembly Bill (AB) 130 – Effective June 30, 2025
 - AB 462 – Effective October 10, 2025
 - AB 1154 – Effective January 1, 2026
 - Senate Bill (SB) 9 – Effective January 1, 2026
 - SB 543 – Effective January 1, 2026

¹ Gov. Code, § 66326, subd. (b)(2)(B).

2. Section 18.060.030 B.2., B.4., and B.5. – *Application Process* – The Ordinance provides for a “complete building permit application,” but does not discuss the mandatory timeline described in statute. Government Code section 66317, subdivision (a)(2)(A) states, “A permitting agency shall determine whether an application to create or serve an accessory dwelling unit is complete and provide written notice of this determination to the applicant not later than 15 business days after the permitting agency received the application.” If the permitting agency determines an application is incomplete, the permitting agency shall provide the applicant with a list of incomplete items.² Moreover, the Ordinance is missing additional protections under Section 66317, subdivision (a), including: “(C) After receiving a notice that the application was incomplete, an applicant may cure and address the items that are deemed to be incomplete by the permitting agency; (D) In the review of an application submitted pursuant to subparagraph (C), the permitting agency shall not require the application to include an item that was not included in the list required by subparagraph (B); (E) If an applicant submits an application pursuant to subparagraph (C), the permitting agency shall determine whether the additional application has remedied all incomplete items listed in the determination issued pursuant to subparagraph (B). This additional application is subject to the timelines and requirements specified in subparagraph (A); (F) If a permitting agency does not make a timely determination as required by this paragraph, the application or resubmitted application shall be deemed to be complete for the purposes of this section.” The City must amend the Ordinance to include these required timelines and substantive responses to an application.

The City must also provide for an appeals process under Government Code section 66317, subdivision (d), “(1) If a permit application is determined to be incomplete under paragraph (2) of subdivision (a) or denied under paragraph (3) of subdivision (a), the permitting agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both. (2) A permitting agency on the appeal shall provide a final written determination by not later than 60 business days after receipt of the applicant’s written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-business-day period.”

Chowchilla’s ordinance omits the statutorily required due process. Additionally, the Ordinance misleadingly states, “The City shall approve or deny an application to create an ADU within sixty days from the date the City receives a complete application.” However, State ADU Law requires, “The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit within 60 days from the date the permitting agency receives a **completed**

² Gov. Code, § 66317, subd. (a)(2)(B).

application...” (Emphasis added)³. The City must amend the Ordinance to reflect the timelines and substantive requirements of State ADU Law. Likewise, the City must amend the provisions of the Ordinance regarding JADU timelines and substantive requirements consistent with state law.⁴

3. Section 18.60.030 C.1. – *Number of Single-Family ADUs Permitted* – The Ordinance states, “The following number and types of ADUs shall be allowed per lot that is zoned to allow single-family residential uses and contains an existing or proposed single-family dwelling,” and then lists one attached ADU, one detached ADU, and one JADU. The Ordinance impermissibly caps the number of dwelling units on a single-family lot to the number of units required to be ministerially approved by Government Code section 66323, subdivision (a). This restricts the maximum number of units authorized under Government Code sections 66314 and 66323. The City must amend the Ordinance to enable applicants the opportunity to utilize the maximum number of units authorized under both Government Code sections 66314 and 66323.

Moreover, Section 66317, subdivision (a)(3), states that a permitting agency “shall either approve or deny the application to create or serve” an application, including an application subject to Government Code section 66314. Government Code , section 66314, subdivision (d)(3) authorizes ADUs “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.” State ADU Law mandates that a local agency “shall approve or deny” an application under section 66314, and also requires that, pursuant to Government Code section 66323, “...a local agency shall ministerially approve an application for a building permit ... to create any of the following, or any combination of the following:...” As noted above, the Ordinance fails to allow for the full allotment of both 66314 and 66323 units. By restricting unit types for single-family lots, without expressly providing for the full combination of units authorized under both Government Code sections 66314 and 66323, the Ordinance is more restrictive than State ADU Law and in violation of the same. Therefore, the City must amend its Ordinance to authorize the full allotment and unit combinations under both Government Code sections 66314 and 66323.

4. Section 18.60.030 D. – *Size* – The Ordinance refers to maximum floor area and the square footage for ADUs in multiple provisions. However, State ADU Law specifies that such floor area and square footage must be measured and is based on “interior livable space”.⁵ Therefore, where the Ordinance imposes or defines a minimum or maximum floor area, or the maximum square footage of ADUs, it

³ Gov. Code, § 66317, subd. (a)(3).

⁴ Gov. Code, § 66335.

⁵ Gov. Code, § 66321, subd. (b)(2), (3).

must specify the calculation based on interior livable space, not the total floor area.

5. Section 18.60.030 D.1.c.i. and D.2.c.i. – *Front Setbacks* – The Ordinance states, for attached ADUs, “Front yard: as established in the applicable zone district,” and for detached ADUs, “Front yard: as established in the applicable zone district, provided the setbacks do not preclude the construction of an ADU that meets the provisions of Section 66323 of the Government Code.” However, Government Code section 66321, subdivision (b)(3), prohibits front setback requirements for either detached or attached dwellings that do not permit at least an 800-square-foot ADU with four-foot side and rear setbacks. In addition, Government Code section 66323, subdivision (b), prohibits a local agency from imposing objective development or design standards on 66323 units that are not expressly authorized by that section. The detached ADU provision in the Ordinance only partially accounts for the 66323 exceptions, and the attached ADU provision does not account for the statutorily mandated front-setback limitation at all. Therefore, the City must amend the Ordinance to specify that front setback requirements may not preclude an ADU of 800 square feet of interior livable space, and that front setback requirements do not apply to 66323 ministerially approved units.
6. Section 18.60.030 D.4.c. – *JADU Owner Occupancy* – The Ordinance states, “Owner-occupancy in the single-family residence in which the Junior ADU will be permitted is required,” with an exception only “if the owner is another governmental agency, land trust, or housing organization.” However, Government Code section 66333, subdivision (b), provides that owner-occupancy is required only if the JADU has shared sanitation facilities with the existing structure. If the JADU has separate sanitation facilities, owner-occupancy cannot be required. Therefore, the City must amend the Ordinance to limit owner-occupancy to JADUs with shared sanitation facilities with the existing structure, while preserving the statutory exception for governmental agencies, land trusts, and housing organizations.
7. *Missing Required Standards* – In addition to the above deficiencies, the Ordinance does not include provisions addressing several standards required by State ADU Law, including: (1) no passageway shall be required in conjunction with the construction of an ADU; (2) ADU construction shall not constitute a Group R occupancy change absent the specific written finding authorized by statute; (3) approval by the local health officer where a private sewage disposal system is used, if required; (4) simultaneous issuance of a demolition permit and ADU permit for a detached garage replaced by an ADU; (5) and prohibit written notice or a placard for demolition of a detached garage replaced by an ADU, unless the property is located in an architecturally and historically significant historic district. Government Code section 66314, subdivisions (d)(6), (d)(8), (d)(9), (e), and (f), respectively require these details to be reflected in the Ordinance. Furthermore, Government Code section 66334, subdivision (a), provides that a JADU ordinance “shall not require additional parking as a condition to grant a permit.” Therefore, the City must also amend the Ordinance to include this omitted provision.

The City has two options in response to this letter.⁶ The City can either 1) amend the Ordinance to comply with State ADU Law⁷ or 2) adopt the Ordinance without changes and include findings in its resolution accompanying the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD's findings.⁸ If the City fails to take either course of action, or if HCD finds that the newly adopted Ordinance remains out of compliance with State ADU Law despite the City's findings and explanations, HCD must notify the City and may notify the California Office of the Attorney General that the City is in violation of State ADU Law.⁹

HCD appreciates the City's efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the City in fully complying with State ADU Law. Please feel free to contact Michael McLaughlin at Michael.McLaughlin@hcd.ca.gov if you have any questions or wish to discuss any of HCD's findings.

Sincerely,



Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit

⁶ Gov. Code, § 66326, subd. (b)(2).

⁷ Gov. Code, § 66326, subd. (b)(2)(A).

⁸ Gov. Code, § 66326, subd. (b)(2)(B).

⁹ Gov. Code, § 66326, subd. (c)(1).