

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

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May 14, 2025

John Hildebrand, Director
Planning Department
County of Riverside
4080 Lemon St., 12th Floor,
Riverside, CA 92501

Dear John Hildebrand:

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

Thank you for submitting the County of Riverside (County) ADU Ordinance No. 348 (Ordinance), adopted April 28, 2023, to the California Department of Housing and Community Development (HCD). The Ordinance was received on February 4, 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 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 June 13, 2025.

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

1. *Statutory Numbering* - The Ordinance contains several references to code sections that were deleted by SB 477, effective March 25, 2024. These include Government Code sections 65852.2, 65852.22 and 65852.26. The contents of these sections were relocated to Government Code, Title 7, Division 1, Chapter 13 (sections 66310-66342, see Enclosure). The County must amend the Ordinance to refer to the correct Government Code sections.
2. *Senate Bill (SB) 1211 (Chapter 296, § 3, Statutes of 2024)* – As of January 1, 2025, the Legislature changed Government Code section 66323. Subdivision (a)(4)(A)(ii) and (iii), now allows for the following:
 - o (ii) On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units. However, the number of accessory

dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.

- o (iii) On a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units.
3. *Assembly Bill (AB) 2533 (Chapter 834, Statutes of 2024)* - As of January 1, 2025, there are changes to Government Code section 66332. Subdivisions (a) and (b) were changed and subdivisions (d) – (f) were added. Changes include permitting previously unpermitted ADUs, adding the same protections for JADUs, and setting additional requirements for local agencies. The County should review these new requirements and adjust any related ordinances to comply with State ADU Law.
 4. *Section 19.801 – Applicability to Section 66323 ADUs* – The Ordinance states that, “This article shall not apply to [ADUs] and [JADUs] that meet the requirements set forth in...” what is now Government Code section 66323. The Ordinance further states that such ADUs “...shall be approved ministerially, pursuant to the process and requirements set forth in that section.” While this section appears to comply with State ADU Law, many of the County’s requirements in the Ordinance nonetheless appear to apply to 66323 ADUs. HCD notes that Sections Section 19.803 B 19.805 A.1., 19.807 B., 19.807 C.1., 19.807 C.2, and 19.807 D.1. refer entirely or in part to 66323 ADUs and JADUs. The County should ensure that the portions of its ordinance intended to apply to 66323 ADUs and JADUs are explicitly distinguished from the portions of its ordinance covering ADUs not constructed under Section 66323.
 5. *Section 19.802 A.1. – ADU Definition* – The Ordinance states that “additional residential accommodations,” including an ADU, “...may be an efficiency unit as defined in section 17958.1 of the Health and Safety Code.” However, Government Code section 66313, subdivision (a), requires that an ADU also include “A manufactured home, as defined in Section 18007 of the Health and Safety Code.” The County’s Ordinance excludes reference to manufactured homes. Therefore, the County must amend the Ordinance to provide for manufactured homes to be used as ADUs.¹
 6. *Section 19.802 B.2. – Detached ADUs* – The Ordinance states, in part, that a detached ADU shall not be attached to the primary dwelling “or any other structure.” However, Government Code section 66314, subdivision (d)(3) only requires detached ADUs be “...detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages ...” and not detached from other

¹ The County Code routinely refers to “additional residential accommodation” to include ADUs and JADUs.

structures. An ADU can be converted from a detached garage or attached to it, horizontally or vertically. Therefore, the County must remove the phrase “or any other structure” from the Ordinance.

7. Section 19.802 B.2. – *Mobilehomes As ADUs* – The Ordinance states that “Except for Guest Quarters, a detached additional residential accommodation may be a *mobilehome* or a manufactured home.” (Emphasis added). However, Government Code section 66313, subdivision (a), defines an ADU as being a manufactured home pursuant to Health and Safety Code section 18007, which includes a variety of dwelling types. Mobilehomes were built before June 15, 1976, and manufactured homes are built after that date. The statute specifically lists manufactured homes, but not mobilehomes, as an allowable ADU type. Therefore, the County must remove mobilehomes as an allowable ADU type.
8. Section 19.803 A.1. – *Site Condition Exemptions* – The Ordinance states that additional residential accommodations, including ADUs, “...shall not be permitted on lots with a dwelling(s) that does not have all required building permits.” However, Government Code section 66322, subdivision (b), states, “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.” Therefore, the County must amend its ordinance to clarify that an ADU permit may not be denied unless there is a threat to public health and safety and the unpermitted structure is affected by the construction of the ADU.
9. Section 19.803 A.2. – *Designated Areas* – The Ordinance states that additional residential accommodations, “...shall not be permitted on lots that are constrained by water availability, water quality or sewage disposal or other public health and safety concerns.” However, Government Code section 66314, subdivision (a), requires local agencies to “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.” The designation of areas must be objective and the impact of ADU development substantiated with findings. Local development standards provided by the Ordinance pursuant to Government Code section 66314 may not preclude an ADU that complies with the requirements of Government Code section 66323. Therefore, the County must properly designate areas as indicated, provide findings for those designations, and must ensure it is clear that the development of units described in Government code section 66323 are not precluded in the designated areas.

10. Section 19.803 A.2. – *Development Moratoriums* – The Ordinance prohibits ADUs in areas that, “include those areas where a development moratorium is imposed.” Moratoria must be designated based on specific areas and pursuant to Government Code section 66300, subdivision (b)(1)(B)(ii), affected agencies cannot enforce a moratorium that would limit housing development until it has submitted the ordinance to and received approval from HCD. Conditions for imposing a moratorium, or similar restrictions on housing development, must demonstrate “an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium”². HCD understands that there are currently no moratoria in place and the City is in the process of revising its ordinance. HCD encourages the City to review the Housing Accountability Act and ensure that its amended ordinance complies with all applicable housing laws.
11. Section 19.804 C. – *Application Processing* – The Ordinance states that, “Applications for an ADU or Junior ADU shall be acted upon within sixty (60) days of the application being submitted to the County....” However, Government Code section 66317 requires that a local agency approve or deny an ADU or JADU application, within 60 days of receiving a completed application. The County’s Ordinance is broader than State ADU Law allows in approving and denying ADU and JADU applications and thus more restrictive. Therefore, the County must amend the Ordinance to read “approve or deny” instead of “acted upon”.
12. Section 19.807 C.2. – *Front Setbacks* – The Ordinance requires “Front setbacks” pursuant to “the applicable zoning” for the lot. However, Government Code sections 66321, subdivision (b)(3) and Government Code section 66323, subdivision (a), require local agencies to approve ADUs regardless of front setback requirements, when certain conditions are met. The Ordinance does not make the required exceptions from front setback requirements. Therefore, the City must amend the Ordinance to exempt ADUs meeting the criteria of sections 66321 and 66323 from front setback requirements.
13. Section 19.807 D.3. – *JADU Floor Area* – The Ordinance states, “The maximum floor area shall not exceed fifty percent (50%) of the primary dwelling’s floor area.” However, there are no such limitations on JADUs in State ADU Law. The County’s limitation on floor area exceeds the standards applicable to JADUs and must be removed from the Ordinance.
14. Section 19.807 E.2. – *Height* – The Ordinance incorrectly limits the height of ADUs and JADUs to either one story or “no greater than sixteen (16) feet.” However, Government Code section 66321, subdivision (b)(4), provide for height maximums as follows:

² Gov. Cod, § 66300, subd. (b)(1)(B)(i).

15. “(A) 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. (B) 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. (C) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling. (D) 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 subparagraph shall not require a local agency to allow an accessory dwelling unit to exceed two stories.”

The County’s Ordinance does not properly account for current State ADU Law height limits. Therefore, the County must amend the Ordinance to comply with the height requirements in Government Code section 66321, subdivision (b)(4).

16. Section 19.807 F.2. – *Parking* – The Ordinance requires “one regular or tandem parking space per unit” for interior ADUs “within a new structure.” However, Government Code section 66322, subdivision (a)(3) states, “A local agency shall not impose any parking standards for an accessory dwelling unit” when the ADU is “part of the proposed or existing primary residence or an accessory structure.” The County’s Ordinance incorrectly requires parking for an ADU created from proposed or existing space. Therefore, the County must remove the requirement for a parking space for ADUs created from proposed or existing space from the Ordinance.
17. Section 19.807 H. – *Access* – The Ordinance requires that “any additional residential accommodation,” including ADUs, provide “All weather access for emergency vehicles” if located more than one-hundred and fifty (150) feet from a public right-of-way,” and “All access roads for emergency vehicles or driveways” be at least 20 feet in width. HCD appreciates the County’s concerns and recognizes the importance of fire safety. However, HCD is concerned that the Ordinance’s requirements may be overly restrictive and contrary to Government Code sections 66314 and 66315. The County should amend the Ordinance to remove this restriction for ADUs.
18. Section 19.808 A.1. – *Owner Occupancy* – The Ordinance states, “Property owners shall not be required to occupy, or live within, the primary dwelling or ADU located on the same lot, if the ADU is permitted between January 1, 2020, and June 1, 2025.” However, AB 976 (Chapter 751, Statutes of 2023) amended Government Code section 66315 to prohibit owner-occupancy requirements. The section now states, “No additional standards, other than those provided in

Section 66314, shall be used or imposed, including an owner-occupant requirement..." The County must remove the owner occupancy requirements from the Ordinance.

19. Section 19.808 B. – *Fire Sprinklers* – The Ordinance correctly states that "ADUs or Junior ADUs shall provide fire sprinklers only if the primary dwelling is required to provide fire sprinklers." However, Government Code sections 66314, subdivision (d)(12) and 66323, subdivision (d), also provide that, "The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing" primary dwelling. The County's Ordinance lacks this provision. Therefore, the County must amend the Ordinance to clarify that an ADU cannot trigger a requirement for sprinklers to be installed in the primary dwelling.

The County has two options in response to this letter.³ The County can either amend the Ordinance to comply with State ADU Law⁴ or adopt the Ordinance without changes and include findings in a resolution accompanying the Ordinance that explain the reasons the County believes that the Ordinance complies with State ADU Law despite HCD's findings.⁵ If the County fails to take either course of action to bring the Ordinance into compliance with State ADU Law, HCD must notify the County and may notify the California Office of the Attorney General that the County is in violation of State ADU Law.⁶

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 feel free to contact Michael McLaughlin at Michael.McLaughlin@hcd.ca.gov if you have any questions.

Sincerely,



Jamie Candelaria
Senior Housing Accountability Manager
Housing Policy Development Division

³ Gov. Code, § 66326, subd. (c)(1).

⁴ Gov. Code, § 66326, subd. (b)(2)(A).

⁵ Gov. Code, § 66326, subd. (b)(2)(B).

⁶ Gov. Code, § 66326, subd. (c)(1).