

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

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June 1, 2026

Kelvin Parker, Community Development Director  
Community Development Department  
City of Thousand Oaks  
2100 E Thousand Oaks Blvd  
Thousand Oaks, CA 91362

Dear Kelvin Parker:

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

Thank you for submitting the City of Thousand Oaks (City) ADU Ordinance No. 1747-NS (Ordinance), adopted March 10, 2026, to the California Department of Housing and Community Development (HCD). HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance 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 July 1, 2026, with a plan to either amend the current ordinance or adopt a resolution with findings.<sup>1</sup> 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. Section 9-4.4505 (a)(1) – *Unit Allowance* – The Ordinance states, “[e]ach lot may have one ADU that complies with the standards in Sections 9-4.4509 and 9-4.4510, which shall be counted as an ADU pursuant to Section 9-4.4511.” This makes a unit subject to Government Code section 66314 count toward the allowances provided for in section 66323.

However, all units described in section 66323 and at least one unit described under section 66314 must be allowed. Section 66317 states that a permitting agency “shall either approve or deny the application to create or serve” an application subject to section 66314, which subdivision (d)(3) states may be “...either attached to, or located within, the proposed or existing primary

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<sup>1</sup> Gov. Code, § 66326, subd. (b)(2)(B).

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.” Since the statute mandates that a local agency “shall approve or deny” an application under section 66314, while also requiring that “...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” under section 66323, the City must amend its Ordinance to allow the full allotment of 66323 units and at least one unit described under section 66314.

2. Section 9-4.4504 (a)(1) – *Single Family Zoning* – The Ordinance states, “ADUs may be constructed on any lot in the R-A, R-E, R-O, R-1, RPD, or HPD zone, or within any adopted Specific Plan that is improved with one existing or proposed primary dwelling unit.” However, this would impermissibly restrict an ADU on lots with nonconforming zoning conditions such as two single-family units on one lot or on multifamily lots with a single-family primary dwelling. 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 City must amend the Ordinance to provide all single-family allowances in all residential zones.
3. Section 9-4.4504 (b)(1) – *Multifamily Zoning* – The Ordinance states, “(b) Multi-Family Zones: Lots in the R-2, R-3, RPD, MU zone, or any adopted Specific Plan are allowed to have ADUs as permitted pursuant to Section 9-4.4511.” However, this would impermissibly restrict the allowance of units subject to section 66314 as described in finding #1. The City must amend the Ordinance to provide all ADU allowances in multifamily zones.
4. Section 9-4.4510 (c)(1) – *Stairs* – The Ordinance states, “Exterior stairs are not permitted.” However, this is inconsistent with State ADU law in as far as this would render an ADU subject to local development standards infeasible. Government Code section 66321, subdivision (b)(4)(D) requires the allowance of “[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.” As external stairs may be necessary for a unit that complies with the height allowances described in this section, a prohibition on such an item necessary to serve a unit would be inconsistent with State ADU Law. The City should remove the prohibition on external stairs.
5. Section 9-4.4512 (c)(1) – *Deed Restriction and Owner Occupancy* – The Ordinance states that deed restrictions for JADUs must note that “The property owner shall be required to occupy either the primary dwelling or the JADU only if the JADU shares sanitation facilities with the primary dwelling. No owner-

occupancy requirement shall apply if the JADU has separate sanitation facilities, or when the owner is a governmental agency, land trust, or housing organization.” However, Government Code section 66333, subdivision (c) states that deed restrictions for JADUs may only require “(1) 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. (2) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this article.” Therefore, the City must remove any requirement in a JADU deed restriction that does not match the two requirements listed above.

The City has two options in response to this letter.<sup>2</sup> The City can either 1) amend the Ordinance to comply with State ADU Law<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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 Mike Van Gorder at [Mike.VanGorder@hcd.ca.gov](mailto:Mike.VanGorder@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

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<sup>2</sup> Gov. Code, § 66326, subd. (c)(1).

<sup>3</sup> Gov. Code, § 66326, subd. (b)(2)(A).

<sup>4</sup> Gov. Code, § 66326, subd. (b)(2)(B).

<sup>5</sup> Gov. Code, § 66326, subd. (c)(1).