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December 10, 2025

Jason Crawford, Director of Community Development
Planning Department
City of Santa Clarita
23920 Valencia Blvd.
Santa Clarita, CA 91355

Dear Jason Crawford:

RE: Review of Santa Clarita's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66310 - 66342) and SB9 Ordinance under State SB9 Law (Gov. Code, §§ 65852.21, 66411.7)

Thank you for submitting the City of Santa Clarita (City) ADU Ordinance (Ordinance) No. 25-1 and the SB 9 Ordinance No. 22-2, adopted May 27, 2025, to the California Department of Housing and Community Development (HCD). HCD has reviewed the Ordinance consistency with State ADU Law and Senate Bill (SB) 9 Law. The Department submits these written findings pursuant to Government Code section 66326, subdivision (a) and Government Code section 65585, subdivision (j).

HCD finds that the Ordinance fails to comply with State ADU Law and SB 9 in the manner noted below. Pursuant to state law, 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 January 9, 2025.

SB9 Findings

1. Section 17.57.025 B. – *Single SB9 Development* – The Ordinance states, "For purposes of [SB9 Unit Approvals] a two (2) unit residential development contains two (2) residential units if the development proposes two (2) new units or if it proposes to add one (1) new unit to one (1) existing unit."

   This suggests that only the second primary dwelling constructed on a lot would be considered an SB9 unit and thus eligible for review under SB 9. However, Government Code section 65852.21, subdivision (a) states that, "A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, if the proposed housing development meets all of the following requirements...". Therefore, SB 9 is applicable in a scenario where construction results in either one or two primary

dwelling units on a lot. Both the first and the second primary dwelling unit constructed on a lot are eligible for SB 9. The Ordinance must be modified to clarify that both first and second primary dwelling units, or up to two primary dwelling units, are eligible for SB 9 processes and applicable development standards.

2. Section 17.57.025 B.1 – *25% Existing Walls* – The Ordinance states, “No more than twenty-five percent (25%) of the existing exterior structural walls shall be demolished to create the two (2) unit residential development…” This requirement reflects outdated SB9 Law; with the adoption of SB 450 (Chapter 286, Statutes of 2024) the 25% demolition restriction has been removed. The City must remove this stipulation from the Ordinance to become consistent with SB 9.

3. Section 17.57.025 B.1, B.2 and 16.28.050 C - *Maximum Size* – The Ordinance restricts duplex units and units on split lots to 800 square feet. However, Government Code section 65852.21, subdivision (b)(3) states “A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone.” There does not appear to be a size restriction on residential development in the underlying zone, and therefore the size restriction for SB 9 units must be removed.

4. Section 17.57.025 B.4. – *ADUs and Duplexes* – The Ordinance states, “Neither Accessory Dwelling Units nor junior accessory dwelling units shall be permitted on a parcel if a two (2) unit development is proposed or has been approved.” However, Government Code section 65852.21, subdivision (b)(3) states, “A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone.” A restriction on ADUs specific to duplexes created under SB9 is inconsistent with this section and is a reduction in the intensity of land use per Government Code section 66300, subdivision (b)(1)(A). The City must remove this section.

5. Section 17.57.025 D.4 and 16.28.050 L. – *Height* – The Ordinance restricts SB 9 units to, “no more than one (1) story and shall not exceed sixteen (16) feet in height… a second unit shall not be constructed as a second story on top of an existing unit.” However, the underlying height allowance is two stories and 35 feet [per 17.57.020 (C).] Therefore, this section is inconsistent with Government Code section 65852.21, subdivision (b)(3) and section 66300, subdivision (b)(1)(A) and must be removed from the Ordinance.

6. Section 17.57.025 D.8. – *Owner Occupancy* – The Ordinance states, “one (1) of the dwellings on the lot must be the bona fide principal residence of at least one (1) legal owner of the lot containing the dwelling, as evidenced at the time of approval of the two (2) unit residential development… prior to issuance of a

building permit, the applicant shall provide evidence that… a covenant has been recorded…" However, Government Code section 65852.21, subdivision (b)(3) states, "A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone." Owner occupancy does not appear to be required in the underlying residential zoning, and therefore, the City must remove this section.

7. Section 17.57.025 D.17. – *Affordability Requirement* – The Ordinance states, "At least one (1) unit in a two (2) unit residential development shall be income restricted for a period of fifty-five (55) years to provide for lower income households…" As income restriction does not appear to be required in the underlying residential zoning, the requirement is inconsistent with Government Code section 65852.21, subdivision (b)(3) and City must remove this section.

8. Section 17.57.025 H. – *Deed Restriction/Covenant* – The Ordinance requires that, "…the property owner shall record a two (2) unit residential development covenant with the County Recorder's Office…" However, Government Code section 65852.21, subdivision (b)(3) states, "A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the zone a requirement that would constrain future unit development." Therefore, deed restrictions and affordability covenants are inconsistent with SB 9 and must be removed from the Ordinance.

9. Section 17.57.025 E. – *Objective Design Standards* – The Ordinance states, "Any construction of a two (2) unit residential development shall comply with the adopted two (2) unit residential development design standards." This appears to refer to Section 17.57.020 and thereby applies underlying zoning standards. However, the underlying zoning standards contain subjective standards (e.g. Section 17.57.020 F, "shall reflect the character of surrounding homes") which are inconsistent with the objective standards required by Government Code section 65852.21, subdivision (b)(1) and (j)(2). The City must amend the Ordinance to require only objective standards in the consideration of an SB 9 application.

10. Multiple Sections – *Underlying Zoning Standard Inquiries* – The Ordinance applies the standards below to SB 9 unit development. However, Government Code 65852.21 states that, "A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone." These standards do not appear to apply to the underlying zone and therefore must be removed from the Ordinance:

i. Section 17.57.025 C.5. – *Fire Hazard Restrictions* – "Where a lot or any portion thereof is located in a high fire hazard severity zone, as defined by the Los Angeles County Fire Department, a two (2) unit residential development shall be prohibited on the lot unless it either fronts a highway and vehicles enter directly from the highway (as defined in Table C-2 of the General Plan Circulation Element), or it has two (2) means of direct vehicular access to a highway that meet the following requirements."

ii. Section 17.57.025 D.5. – *Outdoor Space* – "A minimum of six hundred fifty (650) square feet of outdoor yard space shall be provided for each unit in a two (2) unit residential development. Land required for front yard setbacks, or occupied by buildings, driveways, or parking spaces may not be counted in satisfying this outdoor space requirement."

iii. Section 17.57.025 D.12. – *Sprinklers* – "Two (2) unit residential developments shall be required to provide fire sprinklers."

iv. Section 17.57.025 D.13. – *Trash Collection* – "Each unit in a two (2) unit residential development shall be required to provide space for three (3) ninety (90) gallon trash carts. Trash carts must be stored out of public view from the street and may not be located within the required front yard setback."

ADU Findings

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 City must amend the Ordinance to refer to the correct Government Code sections.

2. *New ADU Legislation* – Please note there is recent ADU Legislation that has passed. The City County should review the changes made to State ADU Law, as a result of this legislation. Assembly and Senate Bills (AB and SB) recently passed affecting State ADU Law include:

    - SB 9 (Chapter 510 Statutes of 2025)
    - SB 543 (Chapter 520, Statutes of 2025)
    - AB 130 (Chapter 22, Statutes of 2025)
    - AB 462 (Chapter 491, Statutes of 2025)
    - AB 1154 (Chapter 507, Statutes of 2025)

3. Section 17.57.040 L.2.a.iii. – *"Legally Built"* – The Ordinance requires no maximum size for converted units created in a "legally built accessory structure". However, Government Code section 66323, subdivision (c) 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, units created in structures that the City does not consider "legally built accessory structures" may not be precluded by a maximum size requirement. The City must amend the Ordinance to exempt all conversions from size requirements.

4. Section 17.57.040 L.2.c. – *Setbacks* – The Ordinance states "All other setbacks shall be subject to the underlying zoning. ADUs shall comply with corner and reverse corner setbacks unless it can be demonstrated that a four (4) foot setback does not create a safety hazard." There are two issues with this section. Government Code section 66321, subdivision (b)(3) prohibits "Any requirement for a zoning clearance or separate zoning review [for] **front setbacks**… 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." The City must include an exception to front setbacks for units 800 square feet or smaller.

   Additionally, Government Code section 66314, subdivision (a)(7) states, "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." These development standards reference only side and rear setbacks; the terms "corner setback" and "reverse corner setback" do not appear in State ADU Law and these terms may not be applied as a development standard. The City must remove these terms from the Ordinance.

5. Section 17.57.040 L.2.f. – *Parking Exception* – The Ordinance creates parking exceptions but omits reference to the conditions described in Government Code section 66332, subdivision (a)(6): "[A local agency shall not impose any parking standards for an ADU . . .] 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 subdivision." The City must add this exception to become consistent with State ADU Law.

6. Section 17.57.040 L.2.f.ii. – *JADUs and Replacement Parking* – The Municipal Code states “replacement parking is required for the primary unit where a junior accessory dwelling unit is constructed in an attached garage.” However, Government Code section 66334 states “A junior accessory dwelling unit ordinance adopted pursuant to Section 66333 shall not require additional parking as a condition to grant a permit.” Therefore, the City must remove this parking requirement.

7. Section 17.57.040 L.2.g. – *Subjective Language* – The Ordinance states “Architecture of the accessory dwelling unit shall be compatible with that of the primary dwelling unit…” However, Government Code section 66314, subdivision (b) requires “objective standards on accessory dwelling units”, which are defined in section 66313, subdivision (i) as “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.” The term “compatible” is subjective, which is inconsistent with State ADU Law. The City must only include subjective standards in this section.

8. Section 17.57.040 L.2.l. – *Sprinklers* – The Ordinance states that ADUs “shall not be required to provide fire sprinklers if fire sprinklers are not required for the primary residence.” Government Code section 66314, subdivision (d)(12) expands on this to state “The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.” The City must add language to provide for this requirement.

9. Section 17.57.040 L.2.n.i. – *Owner Occupancy* – The Ordinance states “Any accessory dwelling unit, for which an application is submitted on January 1, 2025, or later, shall be required to be on a lot that is owner-occupied.” However, the owner occupancy allowance that would have become permissible on January 1, 2025, was removed from State ADU Law with the adoption of AB 976 (Chapter 751, Statutes of 2023). Current Government Code section 66315 states “Section 66314 establishes the maximum standards that a local agency shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.” Therefore, the City must amend the Ordinance to remove references to owner occupancy.

10. Section 17.57.040 L.2.t. – *Exempt Unit Height* – The Ordinance exempts local development standards from precluding a unit “up to eight hundred (800) square feet that is up to sixteen (16) feet in height.” However, current Government Code section 66321, subdivision (b)(3), as referenced above, does not address height. Therefore, height allowances for attached ADUs must

be the lesser of 25 feet or the height of the primary dwelling, as stated in Government Code section 66321, subdivision (b)(4). The City must amend the Ordinance to provide for the height allowances provided in Government Code section 66321, subdivision (b)(4).

11. Section 17.57.40 L.3.b.ii. – *Unit Mixture* – The Ordinance states "Detached accessory dwelling units are not permitted on a lot that includes one (1) or more attached accessory dwelling units."

    However, Government Code section 66323, subdivision (a), states, "Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use to create any of the following: (1) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling…(A) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single family dwelling or existing space of a single-family dwelling or accessory structure." Paragraph (2) permits "[o]ne detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks." The use of the term "any" followed by a list of permitted ADU types indicates that any of these ADU types can be combined on a lot zoned for single family dwellings.

    This permits a homeowner 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 setback requirements of this section, the local agency cannot deny the application, nor deny a permit for a JADU under this subdivision. This section also requires the ministerial approval of detached ADUs in combination with units created in portions of multifamily primary dwellings that are not used as habitable space.

    Additionally, limiting the number of units to one type described in section 66323 would impermissibly constrain an application for a unit subject to section 66323 if a unit subject to section 66314 already exists on the lot. For example, if a new construction detached unit with a size of 1,000 square feet is approved under section 66314, this provision in the Ordinance would preclude the subsequent ministerial approval of a new construction 800 square foot detached unit subject to section 66323, subdivision (a)(2). Therefore, the City must amend the Ordinance to allow both for all ADU combinations described in section 66323 and for at least one unit subject to section 66314 to be combined, in any order, with any unit subject to Government Code section 66323.

12. Section 17.57.040 L.3.c. – *Zoning Nonconformity* – The Ordinance states, "Multiple detached dwelling units (e.g., detached condominiums) on a lot shall be treated as single-family residences for purposes of ADUs and shall be

permitted one (1) ADU per lot, as described in this subsection (L)(3). Lots with multiple detached single-family dwellings are not eligible to have JADUs. ”However, multiple single family dwellings on a single lot are considered a zoning nonconformity for the purposes of State ADU Law. Government Code section 66322, section (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.” As section 66323 describes categories of state-mandated units as being created with either “single family primary dwellings” or “multifamily primary dwellings”, a lot with multiple single family dwellings would be eligible for one converted ADU, one new construction detached ADU up to 800 square feet, and one JADU *per lot.* The City must amend the Ordinance to remove this restriction.

The City has two options in response to this letter.[1] The City can either amend the Ordinance to comply with State ADU Law[2] or adopt the Ordinance without changes and include findings in its resolution adopting the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD’s findings.[3] If the City fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD must notify the City and may notify the California Office of the Attorney General that the City is in violation of State ADU Law.[4]

HCD appreciates the City’s efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the City in fully complying with State ADU Law. Please feel free to contact Mike Van Gorder at Mike.VanGorder@hcd.ca.gov if you have any questions.

Sincerely,

Jamie Candelaria

Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit

[1] Gov. Code, § 66326, subd. (c)(1).
[2] Gov. Code, § 66326, subd. (b)(2)(A).
[3] Gov. Code, § 66326, subd. (b)(2)(B).
[4] Gov. Code, § 66326, subd. (c)(1).