

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

651 Bannan Street, Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



May 20, 2026

Nancy Lee, Development Services Manager
Community Development Department
City of Norwalk
12700 Norwalk Blvd
Norwalk, CA 90650

Dear Nancy Lee:

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

Thank you for submitting the City of Norwalk (City) ADU Ordinance No. 25-1762 (Ordinance), adopted December 2, 2025, 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 June 19, 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. Section 17.04.210 C.3. – *Business Days* – The Ordinance states, “The overall review time between the acceptance of the ADU and/or JADU application as complete with all required materials, full payment of applicable fees shall not exceed 60 business days.” However, Government Code section 66317, subdivision (a)(3) states, “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 application if there is an existing single-family or multifamily dwelling on the lot.” State ADU Law does not provide for the timeline to be measured in business days as opposed to calendar days. The City must remove the word “business” from Section 17.04.210 to come into consistency with State ADU Law.

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

2. Section 17.04.210 D.1.a. – *Unit Allowance* – The Ordinance states that “An accessory dwelling unit shall not be permitted in combination with... [an] ADU constructed per Subsection (Y)....” Subsection Y appears to address the units described in Government Code section 66323, whereas subsection D and the following sections address units described in Government Code section 66314. In effect, this prohibits any combination of units created pursuant to sections 66314 and 66323. Later in Subsection Y it constrains the number of units on a lot to the maximum number described in Government Code section 66323.

However, restricting lots to the number described in either section 66323 or 66314 is inconsistent with State ADU Law. 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 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 units or any combination of the following units:...” under section 66323, the City must amend its Ordinance to allow the full allotment of 66323 units as well as at least one 66314 unit.

3. Section 17.04.210 D.1.b. – *Senate Bill (SB) 9 Duplex Law* – The Ordinance states that ADUs are prohibited on any lot with a “[h]ousing development subject to Section 65852.21 of the Government Code.” However, two-unit projects subject to Section 65852.21, but not 66411.7, must fully comply with State ADU Law. Prohibiting ADUs is therefore inconsistent with State ADU law.

An attached two-unit project created under Section 65852.21 (for example, a duplex) is treated as a multifamily dwelling under ADU law and therefore must be allowed two detached ADUs under Government Code section 66323(a)(4), as well as at least one additional ADU subject to local development standards under section 66314. A detached two-unit project under Section 65852.21 (for example, two single-family dwellings) is treated as a single-family dwelling for ADU purposes and must be allowed one internal conversion ADU, one JADU, one new detached ADU up to 800 square feet in size, and at least one ADU subject to local development standards under section 66314.

Because both attached and detached two-unit projects under Section 65852.21 remain subject to ADU law, the City must remove its prohibition on ADUs on lots with up to two-unit projects created pursuant to 65852.21.

4. Section 17.04.210 D.2.c. – *SB 9 Lot Split Law* – The Ordinance states that ADUs are prohibited on any lot with an “Urban lot split subject to Section 66411. 7 of the Government Code.” However, Government Code section 65852.21, subdivision (f) only prohibits an ADU or JADU on a lot that has used “...both the authority contained within this section and the authority contained in Section 66411.7,” meaning a split lot with “a proposed housing development containing no more than 2 residential units within a single residential zone . . .²” Moreover, Government Code section 66411.7, subdivision (j)(1) states, “A local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section...” Government Code section 66411.7 (j)(2) defines “unit” to include a “primary dwelling, an accessory dwelling unit . . . or a junior accessory dwelling unit.” Therefore, an ADU or JADU may be the second unit on a split lot if the lot is not subject to Section 65852.21. Therefore, the City must remove this blanket prohibition of ADUs on split lots.
5. Section 17.04.210 F.2. – *Unit Combinations, Part II* – The Ordinance states, “For lots with two existing or proposed detached single-family dwellings... one detached, new construction ADU [and] one ADU created within an existing or proposed [space].... No JADU shall be permitted.” However, as discussed above in Finding 3, on a lot not subject to Government Code 66411.7, an applicant is entitled to the full allotment of ADUs permitted by Government Code section 66323, subdivisions (a)(1) and (a)(2), including a JADU, as well as at least one ADU under Government Code section 66314. Therefore, the City must update the ordinance to allow the proper unit combinations required by state law.
6. Section 17.04.210 G.1.a. – *Nonconforming Setbacks* – The Ordinance states, “ADUs shall not be attached to any existing detached accessory structure that do not meet current setback requirements for ADUs, including required garages for the main dwelling.” Government Code section 66321, subdivision (b)(3) prohibits “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 accessory dwelling unit with at least 800 square feet of interior livable space and with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.”

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

² Gov. Code, § 65852.21, subd. (a).

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.” While the City may apply a four-foot setback to any portion of an ADU that is not created within existing space of an accessory structure, it may not preclude an ADU based on the setback as it is applied to a different structure. The City should amend the Ordinance to remove subsection G.1.a.

7. Section 17.04.210 G.3., K.4. – *Height* – The Ordinance states, “For lots with an existing or proposed single-family dwelling, detached ADUs shall not exceed one story in height and/or be constructed over accessory structure(s).” It later states, “New construction ADU shall not be permitted above a detached garage or carport on lots with a single-family dwelling. However, height allowances in State ADU Law are only allowed by feet; ADUs may not be restricted to a single story, nor restricted from being the second story over an existing or proposed primary dwelling or accessory structure. The City must remove subsections G.3. and K.4.
8. Section 17.04.210 I. – *Lot Coverage* – The Ordinance states, “Lot Coverage. The maximum lot coverage by all structures on lots developed with ADUs shall not exceed underlying zoning requirements... The maximum FAR on lots developed with ADUs shall not exceed underlying zoning requirements.” However, while this applies only to ADUs subject to local development standards and exempts subdivision Y units, Government Code section 66321, subdivision (b)(3) prohibits “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 accessory dwelling unit with at least 800 square feet of interior livable space and with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.” The City must amend the Ordinance to provide an exception of at least 800 square feet of interior livable space to these development standards.
9. Section 17.04.210 O.5. – *Exterior Development Standards* – The Ordinance states, “For attached ADUs and JADUs, the entrance shall be located on the side or rear of the primary dwelling. The entrance is prohibited from being located on the front of the primary dwelling unit, facing the public right-of-way. In addition, there shall be no exterior staircase leading to or from an attached ADU or JADU.”

All JADUs are subject to Government Code section 66323 as well as section 66333; restriction on entry placement would be inconsistent with State ADU Law as section 66323, subdivision (b) states, “A local agency shall not impose any objective development or design standard that is not authorized by this section upon any unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a).” The City must remove references to JADUs in this subsection.

Furthermore, a restriction on items necessary to serve the “complete independent living facilities” as definitionally required by Government Code section 66314, subdivision (a), could render an ADU infeasible and thus preclude the unit. The City should add “where feasible” to the prohibition on exterior staircases to remain consistent with State ADU Law.

10. Section 17.40.210 O.6. – *Visibility* – The Ordinance states, “For detached ADUs, the entrance shall not face or be visible from the public right-of-way.” However, “visibility from the public right of way” is a subjective concept, the use of which is inconsistent with Government Code section 66314, subdivision (b)(1), which requires “objective standards” to be applied to ADUs. The City must remove these restrictions or amend them with objective criteria.

11. Section 17.40.210 Q. – *Owner Occupancy* – The Ordinance states, ‘All Junior ADUs are subject to an owner-occupancy requirement. A human being with legal or equitable title to the property must reside on the property as the person's legal domicile and principal residence, in either the single-family dwelling unit, the JADU, or an ADU if one exists on the property. A covenant shall be signed and recorded against the property by the property owner stating that the primary dwelling, JADU, or an ADU if one exists on the property will be occupied by the property owner.’

However, owner occupancy may only be required with Junior ADUs as described in Government Code section 66333, subdivision (b), which states, “If the junior accessory dwelling unit has shared sanitation facilities with the existing structure, 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 junior accessory dwelling unit has separate sanitation facilities, or if the owner is another governmental agency, land trust, or housing organization.” The City must amend its ordinance to specify that owner occupancy shall be required only when the JADU shares sanitation facilities with the existing structure, and not when the property is owned by another governmental agency, land trust, or housing organization.

12. Section 17.40.210 Y.3.c.iv. – *Multifamily Size Maximums* – The Ordinance states that for ADUs detached from multifamily primary dwellings, “[t]he maximum square footage for each ADU shall be 800 square feet.” However, Government Code section 66323, subdivision (b) states, “A local agency shall not impose any objective development or design standard that is not authorized by this section upon any unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a).” Section 66323, subdivision (a)(4) does not reference size maximums, which renders the restriction to 800 square feet inconsistent with State ADU Law. The City must remove this size maximum.

The City has two options in response to this letter.³ The City can either amend the Ordinance to comply with State ADU Law⁴ or 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.⁵ 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.⁶

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
Section Chief, ADU Policy
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).