DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
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September 1, 2026

Stratis Perros, Environmental Services Director
Planning Division
City of Simi Valley
2929 Tapo Canyon Road
Simi Valley, CA 93063

Dear Stratis Perros:

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

Thank you for submitting the City of Simi Valley (City) ADU Ordinance No. 1737 (Ordinance), adopted July 27, 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 Law 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 October 1, 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 9-44.160 A.5. – *Application Procedure* – The Ordinance provides for a 60-day timeline for approval or denial of an ADU application and in so doing cites Government Code sections 66317 and 66320. However, the Ordinance omits reference to other requirements described in sections 66317 and 66320, such as the evaluation of incompleteness and provisions for appeal. The City must amend the Ordinance to provide for all items described in these sections.

2. Section 9-44.160 C. – *Unit Allowance* – The Ordinance states, "Multiple ADUs may be combined pursuant to Government Code § 66323 or as amended. The Director must allow all combinations of ADU types authorized by Government Code § 66323(a), as may be amended." However, the omission of reference to

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

an allowed combination of 66323 units with at least one unit per section 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" under section 66323, the City must amend its Ordinance to allow the combination of 66323 units and at least one 66314 unit for properties with single-family and multifamily primary dwellings.

3. Section 9-44.160 F.1.a. – *Lot Coverage* – The Ordinance states, "No accessory structures inclusive of a proposed ADU may cumulatively cover more than 40 percent of the first 10 feet of a side yard and the required 20-foot rear yard setback area." However, 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 for this exception.

The City has two options in response to this letter.[2] The City can either 1) amend the Ordinance to comply with State ADU Law[3] 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.[4] 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

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

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.[5]

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 or wish to discuss any of HCD's findings.

Sincerely,

Jamie Candelaria

Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit

[5] Gov. Code, § 66326, subd. (c)(1).