

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

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October 29, 2025

Stratis Perros, Environmental Services Director
Department of Environmental Services
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. 1349 (Ordinance), adopted June 5, 2023, to the California Department of Housing and Community Development (HCD). The Ordinance was received on June 5, 2023. 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 November 28, 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 City must amend the Ordinance to refer to the correct Government Code sections.
2. Section 9-44.160 A.1. – **Residential Use** – The Ordinance states, “The intent and purpose of this Section is to provide a means by which the City's existing housing resources and infrastructure may be more effectively utilized to produce less costly rental housing through the creation of new accessory dwelling units (ADUs) on residentially zoned lots that already contain one legally established unit, or with the construction of a new residential unit, or in conjunction with a **Two-Unit Residential Development**” (emphasis added). State ADU Law states that an ADU ordinance shall require that “The lot is zoned to allow single-family or **multifamily dwelling** residential use and includes a proposed or existing

dwelling”¹ (emphasis added). The ordinance does not acknowledge that ADUs shall be allowed with a proposed or existing multifamily dwelling. The City must amend the ordinance to clearly provide that ADUs shall be allowed with any multifamily dwelling, not just two-unit residential developments.

3. Section 9-44.160 A.6. – *Approve or Deny Applications* – The Ordinance states, “The City shall **act on** the application to create an ADU or JADU within 60 days from the date an application is deemed complete if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay **acting on** the permit application for the ADU or JADU until a Building Permit is issued for the new single-family dwelling, but the application to create the ADU or JADU shall be considered without discretionary review or hearing”. However, State ADU Law establishes that, “The permitting agency shall either **approve or deny** the application to create or serve an accessory dwelling unit or a junior 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”². The language ‘act’ or ‘acting on’ an application does not reflect current State ADU Law. The City is required to issue an approval, or a denial with a full set of comments on how to remedy the application. Therefore, the City must amend the Ordinance to clarify that an ADU application shall be approved or denied within the timeframes listed in State ADU Law.
4. Section 9-44.160 A.7. – *ADUs on Multifamily Lots* – The Ordinance states, “Where an ADU or JADU is proposed with the construction of a new single-family dwelling and/or Two-Unit Residential Development, the proposed single-family dwelling or Two-Unit Residential Development must be approved for occupancy before an ADU or JADU is approved for occupancy.” State ADU Law states the ADU ordinance shall require ADUs to be located on lots “zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.”³ By only referencing two-unit residential developments, the Ordinance omits that ADUs may be proposed with the construction of a multifamily dwelling. The City must amend the Ordinance to declare that an ADU may be proposed with the construction of a single-family dwelling or a multifamily dwelling.
5. Section 9-44.160 A.9. – *Living Areas* – The Ordinance defines ‘Living area’ as “...the interior habitable area of a dwelling unit, including enclosed patios, garages, basements and attics, but does not include any accessory structure.” Government Code section 66313 subdivision (f) states that “Living area means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.” Garages are not living

¹ Gov. Code, § 66314, subd. (d)(2).

² Gov. Code, § 66317, subd. (a).

³ Gov. Code, § 66314, subd. (d)(2).

areas per State ADU Law. The City must amend the ordinance so that garages will not be classified as living areas.

6. Section 9-44.160 B. – *66323 Multifamily ADUs* – In table 4-4, the Ordinance states that on a lot with an existing or proposed multifamily dwelling the City will allow a number of **attached** ADUs of at least one and up to 25 percent of the existing multifamily units, **or two detached** ADUs. 1) Government Code section 66323 subdivision (a)(3) states a local agency shall allow a number of ADUs of at least one and up to 25 percent of the existing multifamily units to be **converted from “the portions of existing multifamily dwelling structures that are not used as livable space**, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages” (emphasis added). 2) Government Code section 66323, subdivision (a)(4) states the City shall permit, on a lot with an existing multifamily dwelling, **up to eight detached ADUs**, not to exceed the number of existing units on the lot, or two detached ADUs on a lot with a proposed multifamily dwelling. 3) State ADU Law allows a property owner to develop multifamily conversion ADUs as described in Government Code section 66323, subdivision (a)(3) **and** multifamily detached ADUs as described in Government Code section 66323, subdivision (a)(4).⁴

The Ordinance does not align with Government Code section 66323, subdivisions (a)(3) and (a)(4) for the following reasons: 1) it does not specify that if seeking to benefit from the streamlined requirements of Government Code section 66323, conversion ADUs shall be created by converting non-livable space; 2) it restricts the allowable number of multifamily detached ADUs below what is allowed in State ADU Law; 3) it does not allow a property owner to develop the combination of conversion ADUs within the existing multifamily dwelling structure and detached ADUs.

The City must update the Ordinance as follows: 1) clarify that on a lot with an existing multifamily dwelling, State ADU Law allows ADUs to be created within the existing multifamily dwelling structure by converting portions that are not used as livable space; 2) allow for the creation of the correct number of detached ADUs on lots with existing or proposed multifamily dwelling as described in Government Code section 66323, subdivision (a)(4); 3) explicitly provide for the creation of both conversion ADUs and detached ADUs on the same multifamily lot.

7. Section 9-44.160 C. – *Development Standards by ADU Type* – In Table 4-5, the Ordinance details the development standards applicable to all ADUs and JADUs. State ADU Law allows certain objective standards to be applied to ADUs built per Government Code section 66314. However, a local agency shall not impose objective development or design standards that are not authorized by Government Code section 66323 upon ADUs that meet the requirements of

⁴ Gov. Code, § 66323, subd. (a).

Government Code section 66323, subdivision (a) ("66323 units").⁵ Therefore, the City must amend the Ordinance so that Table 4-5 makes a clear distinction between the development standards that apply to ADUs that fall under Government Code section 66314, and the streamlined development standards that apply to 66323 units.

8. Section 9-44.160 C. – *Parking Requirement Exemptions* – In Table 4-5, the Ordinance describes exceptions where the requirement for one parking space per ADU does not apply. The list of exceptions is incomplete. Per State ADU Law, the local agency shall not impose any parking standards for an ADU that is located within an architecturally and historically significant historic district.⁶ State ADU Law also states that parking shall not be required for an ADU project application that 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 ADU or the parcel satisfies any other criteria listed in this subdivision.⁷ The City must amend the Ordinance to include these provisions.
9. Section 9-44.160 C. and Section 9-44.160 F. – *Detached ADU Separation* – The Ordinance states that a detached ADU must be separated from any proposed or existing structure by a minimum of six feet. Government Code section 66323 does not require a minimum of six feet between a detached ADU and a proposed or existing structure. No additional separation beyond what is required for fire and safety shall be required for detached ADUs developed pursuant to Government Code section 66323.⁸ In addition, Government Code section 66321, subdivision (b)(3) states that a local agency shall not establish by ordinance "...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 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks." The City must amend the Ordinance to clarify that this provision shall only apply to ADUs developed pursuant to Government Code section 66314 and shall not be enforced if it precludes the development of an ADU of at least 800 square feet with side and rear yard setbacks of four feet.
10. Section 9-44.160 C. and Section 9-44.160 G.1. – *External Entrances* – The Ordinance states in Tables 4-5 and 4-7 that an ADU's required separate entrance shall not 'face the street' unless 'precluded by an existing permitted structure' or 'if possible'. However, units described in Government Code section 66323 are not subject to any objective development or design standard that is

⁵ Gov. Code, § 66323, subd. (b).

⁶ Gov. Code, § 66322, subd. (a)(2).

⁷ Gov. Code, § 66322, subd. (a)(6).

⁸ Gov. Code, § 66323, subd. (b).

not authorized under this section.⁹ Prescribing where the door should face is an additional standard. Additionally, the standards included in an ADU ordinance adopted pursuant to Government Code section 66314 must be objective.¹⁰ The exception language, unless ‘precluded by an existing permitted structure’ or ‘if possible’ is subjective. The City must remove this requirement from the Ordinance or amend the Ordinance to make exceptions to external entrance requirement objective. The City must also amend the Ordinance to clarify that this provision shall only apply to ADUs developed pursuant to Government Code section 66314.

11. Section 9-44.160 E.1. – *Attached ADUs* – The Ordinance states that “...where an attached ADU is proposed with new construction or an addition to the existing **single-family dwelling**, the ADU shall be no larger than 50 percent of the square footage of the existing square footage of the single family dwelling or 800 square feet, whichever is larger, up to a maximum of 1,000 square feet” (emphasis added). State ADU Law states that an ADU shall 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”¹¹. State ADU Law allows attached ADUs to be proposed with new construction or existing multifamily dwellings. The Ordinance does not provide for attached ADUs to be proposed with new construction or existing multifamily dwellings. The City must amend the Ordinance to clarify that attached new construction ADUs shall be permitted on lots that include proposed or existing single family or multifamily dwellings.

12. Section 9-44.160 E.2. – *Conversion ADUs* – The Ordinance states, “Existing living area of a single-family dwelling may be converted to an ADU without any limits on size provided the ADU is within the existing structure.” However, State ADU Law allows for conversion ADUs may to be created within the space of a **proposed** single-family dwelling, an existing accessory structure, or the non-livable space of an existing multifamily dwelling.¹² In addition, State ADU Law establishes that, “...a local agency shall allow at least one ADU within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.”¹³ The Ordinance only provides a pathway for conversion ADUs to be created within the space of existing single family dwellings. Therefore, the City must amend this section of the Ordinance to fully and accurately reflect what is allowed by State ADU Law.

⁹ Gov. Code, § 66323, subd. (b).

¹⁰ Gov. Code, § 66314, subd. (b).

¹¹ Gov. Code, § 66314, subd. (d)(3).

¹² Gov. Code, § 66323, subds. (a)(1)(A), (a)(3)(A).

¹³ Gov. Code, § 66323, subd. (a)(3)(B).

13. Section 9-44.160 E.3. – *External Stairs* – The Ordinance states, “Any external stairs required to provide an entrance to an ADU proposed on a second story will be subject to the setback requirements of SVMC 9-30.080 - Setback and Separation Requirements and Exceptions.” This referenced municipal code section would require “outside stairs” providing ingress and egress to a second story to have a rear setback of 18 feet, side setbacks of 8 feet, and 20 feet front setbacks. When required by the California Building Code for egress and ingress, external stairs are considered part of the ADU for measuring an ADU’s setback. As a result, this provision creates a setback requirement for ADUs that exceed what is allowed by State ADU Law. State ADU Law establishes that no setback shall be required for an ADU that is created by converting an existing structure or livable space, or is constructed in the same location and to the same dimensions as an existing structure, as specified.¹⁴ Four foot side and rear setbacks are established for all other ADU types.¹⁵ 66323 Units do not have to comply with front setbacks.¹⁶ The City must amend the Ordinance to ensure that any requirements for external stairs attached to ADUs, beyond those necessary for fire and safety, are consistent with State ADU Law.
14. Section 9-44.160 F.4. – *Detached ADU Maximum Size* – The Ordinance establishes the maximum size of a detached ADU. It also restricts detached ADUs on lots with existing or proposed multi-family dwelling to 800 square feet. In State ADU Law, detached ADUs on multifamily lots that comply with Government Code section 66323, subdivision (a)(4) do not have maximum sizes.¹⁷ The City must amend the Ordinance to include this exception.
15. Section 9-44.160 F.5. – *Conversion of Accessory Structures* – The Ordinance states, “Where an existing legally permitted accessory structure with a solid roof and structural framing is converted to a detached ADU in the same location, and to the same dimensions as the existing structure, the above size and height limits will not apply, and no additional setbacks will be required.” 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.” All ADUs, including those converted from existing unpermitted structures, must comply with the California Building Standards Code. The City must amend the Ordinance to clarify that unpermitted structures can be legally converted into ADUs unless the structure is both a threat to public health and safety and would be affected by the construction of the ADU.

¹⁴ Gov. Code, §§ 66314, subd. (d)(7); 66323, subds. (a)(1), (a)(3).

¹⁵ Gov. Code, §§ 66314, subd. (d)(7); 66323, subds. (a)(2), (a)(4).

¹⁶ Gov. Code, § 66323, subd. (b).

¹⁷ Gov. Code, § 66314, subd. (b).

16. Section 9-44.160 F.6. – *Detached ADU Requirements* – The Ordinance states that, “A detached ADU may only be attached to a garage or a patio cover subject to the setback requirements in SVMC 9-30.080,” which includes 20-foot front setbacks for ADUs. However, State ADU Law states a local agency shall not impose any objective development or design standards that are not authorized by Government Code section 66323 upon 66323 Units. In addition, State ADU Law establishes that “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” ADUs shall not prevent at least an 800 square foot ADU “with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.”¹⁸ The City’s requirements are in conflict with State ADU Law. The City must amend the Ordinance to clarify that the Detached ADU Requirements specified by Section 9-44.160.F.6 shall not apply to ADUs that meet the requirements of Government Code section 66323, subdivision (a), nor shall it preclude an 800 square foot ADU “with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards. Nothing in State ADU Law preempts a local agency from imposing setbacks listed in SVMC 9-30.080 on architectural features and accessory structures that are not ADUs.

17. Table 4-6 – *Second ADUs* – The Ordinance adopts development standards for second new construction detached ADUs of any size that are associated with an SB9 unit or multifamily dwelling. The standards include 20-foot front yard setbacks, and specific lot coverage/rear yard width coverage limits. However, Government Code section 66323 subdivision (a)(4) includes provisions for multiple detached ADUs associated with multifamily dwellings. State ADU Law states a local agency shall not impose any objective development or design standards that are not authorized by Government Code section 66323 upon 66323 Units. The Ordinance contains requirements of multifamily ADUs that conflict with State ADU Law. Therefore, the City must amend the Ordinance to clarify that detached multifamily ADUs built to comply with Government Code section 66323, subdivision (a)(4) are not subject to the front setback and lot coverage requirements listed in Table 4-6.

18. PART 2: SVMC 9-80.020 – *Defining Detached ADUs* – The Ordinance defines a Detached ADU as, “An Accessory Dwelling that is separated from the main residence **single-family** dwelling and any other structures by a minimum of **six feet** and cannot be connected to the primary dwelling or any other structure by a covered walkway or breezeway. A garage or patio can be attached to a detached Accessory Dwelling Unit subject to the limitations described in SVMC 9-44.160”. However, State ADU Law defines detached ADUs as newly constructed dwelling units that are created on a lot with an existing or proposed

¹⁸ Gov. Code, § 66321, subd. (b)(3).

single-family or multifamily dwelling structure but are detached from the primary dwelling.¹⁹ Additionally, no additional separation beyond what is required to satisfy the fire separation requirements in State ADU Law shall be required for detached ADUs developed pursuant to Government Code section 66323.²⁰ Therefore, the City must amend the Ordinance so that the definition of detached ADU in the Ordinance is aligned with State ADU Law.

19. *Correct References* – Table 4-5: ADU's and JADU's Development Standards, under Maximum size, incorrectly points to Section D when it should point to Section E, and incorrectly points to Section E when it should point to Section F. Similarly, the numbering of Section F was not properly renumbered after Section F.2 was removed.

The City has two options in response to this letter.²¹ The City can either amend the Ordinance to comply with State ADU Law²² 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.²³ 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.²⁴

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 Auzzie Sheard IV at Auzzie.Sheard@hcd.ca.gov if you have any questions.

Sincerely,



Jamie Candelaria
Section Chief, ADU Policy
Housing Policy Development Division

¹⁹ Gov. Code, §§ 66314, subds. (a), (d)(3); 66323, subd. (a).

²⁰ Gov. Code, § 66323, subds. (b).

²¹ Gov. Code, § 66326, subd. (b)(2).

²² Gov. Code, § 66326, subd. (b)(2)(A).

²³ Gov. Code, § 66326, subd. (b)(2)(B).

²⁴ Gov. Code, § 66326, subd. (c)(1).