



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
January 21, 2025

TOPIC: Zoning Ordinance No. 2024-03 to Amend Article II (Use Districts) of Chapter 41 (Zoning) of the Santa Ana Municipal Code in Compliance with Changes to State Law Pertaining to Accessory Dwelling Units and Make Other Minor Clarifying Changes (Citywide)

AGENDA TITLE

Zoning Ordinance Amendment No. 2024-03 – An Ordinance of the City Council of the City of Santa Ana Amending Article II (Use Districts) of Chapter 41 (Zoning) of the Santa Ana Municipal Code Relating to Accessory Dwelling Units (ADUs)

Legal notice published in the OC Reporter on December 30, 2024.

RECOMMENDED ACTIONS

1. Conduct a first reading and adopt Zoning Ordinance Amendment No. 2024-03 to amend Article II (Use Districts) of Chapter 41 (Zoning) of the Santa Ana Municipal Code related to accessory dwelling units to be in compliance with changes to State ADU law enacted under Senate Bill 1211 that took effect January 1, 2025.

ORDINANCE NO. NS-XXXX entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING ARTICLE II (USE DISTRICTS) OF CHAPTER 41 (ZONING) OF THE SANTA ANA MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS TO BE IN COMPLIANCE WITH CHANGES TO STATE LAW ENACTED UNDER SENATE BILL 1211 AND MAKE OTHER MINOR CLARIFYING CHANGES

2. Determine that adoption of this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines.

GOVERNMENT CODE §84308 APPLIES: No

EXECUTIVE SUMMARY

On September 19, 2024, Governor Newsom signed new housing laws that included [Senate Bill \(SB\) 1211](#), amending State accessory dwelling unit (ADU) law. The bill became effective January 1, 2025. The proposed ordinance will amend several sections of the zoning code to make [Santa Ana's local ordinance](#) (SAMC Section 41-194 et seq.)

consistent with changes to State ADU law. Specifically, staff proposes amendments to Santa Ana Municipal Code (SAMC) Sections 41-194 (Purpose), 41-194.1 (Definitions), 41-194.2 (Permitted zones and applicability), and 41-194.3 (Development standards) in order to comply with State ADU Law. It also proposes to update outdated references to the Government Code and change language with respect to ADU size.

On December 9, 2024, during its regularly scheduled meeting, the Planning Commission voted 5:0, with Vice-Chairperson Ramos and Commissioner Leo absent, to recommend that the City Council approve the proposed amendments to Chapter 41. As part of its recommendation to approve, the Planning Commission did not include any changes to the proposed ordinance amendments.

DISCUSSION

ADUs are seen as a critical component in addressing the statewide housing shortage. As such, the California Legislature has enacted bills making changes to State ADU law in nearly every legislative session since 2016. Collectively, the bills have made changes to development and design standards that can be imposed by local agencies, the number of units that can be constructed on a property, set limits on parking standards and included parking exemptions, required streamlined review processes, and prescribed that local ordinances that are not in compliance with state ADU law are null and void and superseded by State law.

[SB 1211](#) is the latest bill enacted by the legislature and signed by the Governor that made changes to State ADU law. The bill increases the number of detached ADUs that can be constructed on lots with multi-family buildings, prohibits local governments from requiring replacement of uncovered parking spaces, and clarifies the definition of livable space.

To ensure Santa Ana's local ordinance remains enforceable and consistent with State law, sections of Article II (Use Districts) of Chapter 41 (Zoning) relating to ADUs and Junior Accessory Dwelling Units (JADUs) that are impacted must be amended.

Table 1 below provides a summary of the major changes necessary to the local ADU ordinance. If adopted, the ordinance would require a second reading and would become effective 30 days thereafter.

Table 1: ZOA No. 2024-03 Current and Proposed Text Regulations

Item	Existing Zoning Code Regulations	New State Law	Proposed Zoning Code Regulations
Multi-Family Buildings	Sec. 41-194.2(D) permits two detached units, either new construction or conversion of existing detached accessory buildings, to a total of two ADUs.	<ol style="list-style-type: none"> Permits the construction of up to eight detached ADUs on lots developed with a multi-family building; however the number of ADUs shall not exceed the number of existing units on the lot. Lots proposed to be developed with a multi-family building are permitted to construct up to two detached ADUs. 	<ol style="list-style-type: none"> Add Sec. 41-194.2(E) to permit the construction of up to eight detached ADUs on lots developed with a multi-family building. Add Sec. 41-194.2(F) to permit the construction of up to two detached ADUs on a lot proposed to be developed with a multi-family building.
Parking Requirements	Existing ADU ordinance provides definitions for existing carport, existing covered parking structure, and existing garage. It also states that when one of the aforementioned is demolished in conjunction with the construction of an ADU, or converted to an ADU, replacement of those parking spaces is not required.	Enumerates an additional definition for uncovered parking space that is not required to be replaced in conjunction with the construction of an ADU, or when it is converted to an ADU.	<ol style="list-style-type: none"> Add Sec. 41-194.1(4) to define existing uncovered parking space. Amend Sec. 41-194.3(M) to include uncovered parking spaces on the list of parking that can be demolished in conjunction with the construction of an ADU, or converted to an ADU, without requiring replacement of that parking.
Livable Space	Existing ADU ordinance defines living area as interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure. The ordinance does not define livable space.	Clarifies the definition of livable space as a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.	Add Sec. 41-194.1(7) to define livable space as a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

Item	Existing Zoning Code Regulations	New State Law	Proposed Zoning Code Regulations
State ADU Law Reference	References prior Government Code sections (65852.2 and 65852.22) that governed ADU development.	Senate Bill 477 relocated numerous Government Code sections into a new chapter to make State law governing ADUs and JADUs easier to read and navigate.	Update all references to the Government Code to reflect reorganization of State ADU/JADU law.
Size	Provides that conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements, at Section 41-194.3(D)	Change is not related to recent legislation but to ensure more precise and appropriate language is used—“size limits” rather than “size requirements.”	Changed language at Section 41-194.3(D) replacing the term “requirements” with “limits”.

ENVIRONMENTAL IMPACT

Pursuant to the California Environmental Quality Act (“CEQA”) and the [State CEQA Guidelines](#), adoption of this Ordinance is exempt from CEQA review pursuant to Section 15282(h) which provides a statutory exemption for the adoption of an ordinance regarding ADUs in a single-family or multifamily residential zone by a city or county to implement the provisions of [Sections 66310](#), et seq. of the Government Code as set forth in [Section 21080.17](#) of the Public Resources Code. As a result, a Notice of Exemption, Environmental Review No. 2024-96, will be filed upon adoption of this ordinance.

FISCAL IMPACT

There is no direct fiscal impact associated with this action.

EXHIBITS

1. Ordinance for ZOA No. 2024-03
2. Copy of Public Notice

Submitted By: Minh Thai, Executive Director of the Planning and Building Agency

Approved By: Alvaro Nuñez, City Manager